

1 IN THE UNITED STATES COURT

2 NORTHERN DISTRICT OF OHIO

3 EASTERN DIVISION

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5 IN RE: NATIONAL PRESCRIPTION

6 OPIATE LITIGATION

MDL No. 2804

7 Case No. 17-md-2804

8 Judge Dan Polster

9 This document relates to:

10 The County of Summit, Ohio, et al., v.

11 Purdue Pharma L.P., et al.,

12 Case No. 1:18-OP-45090 (N.D. Ohio)

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15
16 VIDEOTAPED DEPOSITION OF

17 MARGARET ("MAGGIE") KEENAN

18 December 12, 2018, at 9:00 a.m.

19 Cleveland, Ohio

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21
22
23 Reported by:

24 Anne E. Vosburgh, CSR-6804, RPR, CRR

25 Job No. 3153090

<p style="text-align: right;">Page 2</p> <p>1 -oOo-</p> <p>2</p> <p>3 On December 12, 2018, commencing at</p> <p>4 approximately 9:00 a.m., the deposition of</p> <p>5 MARGARET ("MAGGIE") KEENAN, taken by Counsel</p> <p>6 for the Defendants, was held at the offices</p> <p>7 of Climaco Wilcox Peca Tarantino & Garofoli</p> <p>8 LPA, located 55 Public Square, Suite 1950,</p> <p>9 Cleveland, Ohio 44113-197255, before and</p> <p>10 stenographically reported by</p> <p>11 Anne E. Vosburgh, Certified Shorthand</p> <p>12 Reporter No. 6804, Registered Professional</p> <p>13 Reporter, Certified Realtime Reporter, and</p> <p>14 Notary Public.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 (Appearances, continued.)</p> <p>2</p> <p>3 On behalf of Cardinal Health:</p> <p>4 WILLIAMS & CONNOLLY</p> <p>5 725 Twelfth Street, N.W.</p> <p>6 Washington, D.C. 20005</p> <p>7 202.434.5421</p> <p>8 By: Paul E. Boehm, Esq.</p> <p>9 pboehm@wc.com</p> <p>10</p> <p>11 On behalf of Janssen Pharmaceutica Inc., Janssen</p> <p>12 Pharmaceuticals, Inc., Johnson & Johnson, and</p> <p>13 Ortho-McNeil-Janssen Pharmaceuticals, Inc.;</p> <p>14 TUCKER ELLIS LLP</p> <p>15 950 Main Avenue</p> <p>16 Suite 1100</p> <p>17 Cleveland, Ohio 44113</p> <p>18 By: Tariq M. Naeem, Esq.</p> <p>19 tariq.naeem@tuckerellis.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of Cuyahoga County and the</p> <p>4 Witness:</p> <p>5 NAPOLI SHKOLNIK PLLC</p> <p>6 400 Broadhollow Road, Suite 305</p> <p>7 Melville, NY 11747</p> <p>8 631.224.1133</p> <p>9 By: Salvatore C. Badala, Esq.</p> <p>10 sbadala@napolilaw.com</p> <p>11 By: Joseph L. Ciaccio, Esq.</p> <p>12 jciaccio@napolilaw.com</p> <p>13 and</p> <p>14 SMITH LAW OFFICE</p> <p>15 5003 Horizons Drive</p> <p>16 Suite 200</p> <p>17 Columbus, Ohio 43220</p> <p>18 614.846.1700</p> <p>19 By: Scott Elliott Smith, Esq.</p> <p>20 ses@sestrialaw.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 (Appearances, continued.)</p> <p>2</p> <p>3 On behalf of Distributor Defendant</p> <p>4 McKesson Corporation, Co-Liaison Counsel</p> <p>5 for the Distributor Defendants:</p> <p>6 COVINGTON & BURLING LLP</p> <p>7 One City Center</p> <p>8 850 Tenth Street, NW</p> <p>9 Washington, D.C. 20001-4956</p> <p>10 202.662.6000</p> <p>11 By: David W. Haller, Esq.</p> <p>12 dhaller@cov.com</p> <p>13</p> <p>14 On behalf of Walmart Inc. F/K/A Wal-Mart</p> <p>15 Stores, Inc.:</p> <p>16 JONES DAY</p> <p>17 51 Louisiana Avenue, N.W.</p> <p>18 Washington, D.C. 20001-2113</p> <p>19 202.879.3939</p> <p>20 By: Sarah G. Conway, Esq.</p> <p>21 sgconway@jonesday.com</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 6	Page 8
1 (Appearances, continued.)	1 ----- EXHIBITS -----
2	2 NUMBER DESCRIPTION PAGE
3 On behalf of Endo Health Solutions, Inc.,	3 Exhibit 1 Maggie Keenan, Curriculum 45
4 Endo Pharmaceuticals Inc., Par Pharmaceutical,	4 Vitae, CUYAH_003301608 to
5 Inc., and Par Pharmaceutical Companies, Inc.,	5 CUYAH_003301609
6 (FKA Par Pharmaceutical Holdings, Inc.)	6 Exhibit 2 Cuyahoga County, 136
7 ARNOLD & PORTER	7 Organizational Chart - no
8 601 Massachusetts Ave., NW	8 Bates
9 Washington, D.C. 20001-3743	9 Exhibit 3 2018-2019 Biennial Budget, 160
10 202.942.5404	10 County of Cuyahoga County,
11 By: Adam M. Pergament	11 Ohio, Bates CUYAH_000010910
12 (via Veritext Virtual)	12 through CUYAH_000011080
13 adam.pergament@arnoldporter.com	13 Exhibit 4 Email chain, Bates 322
14	14 CUYAH_005324032 through
15 On behalf of AmerisourceBergen Drug Corporation:	15 CUYAH_005324034
16 REED SMITH LLP	16 Exhibit 5 Email chain, Bates 332
17 1301 K Street, N.W.	17 CUYAH_001764533 through
18 Suite 1000, East Tower	18 CUYAH_001764535
19 Washington, D.C. 20005	19 Exhibit 6 Email, Bates CUYAH_001763476 341
20 202.414.9200	20 through CUYAH_001763483
21 By: Anne E. Collins, Esq.	21 Exhibit 7 Email, Bates CUYAH_001757582 360
22 (via Veritext Virtual)	22 Exhibit 8 Email chain, Bates 372
23 acollins@reedsmith.com	23 CUYAH_001764847 through
24	24 CUYAH_001764848
25 Also present: Kurt Henschel, Legal Videographer	25
Page 7	Page 9
1 I N D E X	1 (Exhibits, continued.)
2	2 Exhibit 9 Email, Bates CUYAH_001739956 378
3 WITNESS: MARGARET "Maggie" KEENAN	3 Exhibit 10 Email, March 1, 2018, Bates 390
4	4 CUYAH_001738714
5 ----- EXAMINATIONS -----	5 Exhibit 11 Email chain, Bates 393
6	6 CUYAH_001764146 through
7 Examination by Mr. Boehm 12	7 CUYAH_001764148
8 Examination by Mr. Badala 455	8 Exhibit 12 Email chain, Bates 401
9 Re-Examination by Mr. Boehm 462	9 CUYAH_001742324 through
10	10 CUYAH_001742325
11	11 Exhibit 13 Email, Bates CUYAH_001749074 406
12	12 Exhibit 14 Email, CUYAH_001715624 412
13	13 Exhibit 15 Email chain, Bates 415
14 ----- OCCURRENCES -----	14 CUYAH_001753465 through
15 Phone call to Special Master Page 48 to 65	15 CUYAH_001753466
16 Instruction to not answer Page 274, Line 14	16 Exhibit 16 Email, "Actuals," Bates 420
17	17 CUYAH_001732895
18	18 Exhibit 17 *Clawed Back* Email, "Re: 424
19	19 Opiates," Bates
20	20 CUYAH_001753000
21	21
22	22
23	23
24	24
25	25

<p style="text-align: right;">Page 10</p> <p>1 (Exhibits, continued.)</p> <p>2 Exhibit 18 Plaintiffs County of 430</p> <p>3 Cuyahoga, Ohio, and the State</p> <p>4 of Ohio, Prosecuting Attorney</p> <p>5 of Cuyahoga County,</p> <p>6 O'Malley's Second</p> <p>7 Supplemental Responses and</p> <p>8 Objections to Interrogatory 18</p> <p>9</p> <p>10 Exhibit 19 Email chain, "Re: Deaths 436</p> <p>11 under 18," Bates</p> <p>12 CUYAH_001641531,</p> <p>13 CUYAH_001729677, and</p> <p>14 CUYAH_001729694</p> <p>15</p> <p>16 (EXHIBIT 17 CLAWED BACK,</p> <p>17 ALL OTHER EXHIBITS ATTACHED.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 12</p> <p>1 Jones Day for Walmart.</p> <p>2 MR. NAEEM: Tariq Naeem, Tucker &</p> <p>3 Ellis, for Janssen and J & J.</p> <p>4 MR. HALLER: Dave Haller,</p> <p>5 Covington & Burling, for McKesson.</p> <p>6 MR. BOEHM: And by telephone?</p> <p>7 MR. PERGAMENT: Adam Pergament</p> <p>8 from Arnold & Porter, for the Endo and</p> <p>9 Par Pharmaceutical defendants.</p> <p>10 MR. BOEHM: Is anybody else on</p> <p>11 the phone?</p> <p>12 MS. COLLINS: Hi. This is</p> <p>13 Anne Collins from Reed Smith for</p> <p>14 AmerisourceBergen Drug Corporation.</p> <p>15 MAGGIE KEENAN,</p> <p>16 having been called as a witness, was</p> <p>17 duly sworn to testify to the truth by</p> <p>18 an authorized notary public and</p> <p>19 testified as follows.</p> <p>20 ---</p> <p>21 EXAMINATION</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Good morning, Ms. Keenan.</p> <p>24 A. Good morning.</p> <p>25 Q. Thank you for being here. You</p>
<p style="text-align: right;">Page 11</p> <p>1 Cleveland, Ohio</p> <p>2 December 12, 2018, 9:00 a.m.</p> <p>3 -----</p> <p>4 PROCEEDINGS</p> <p>5 -----</p> <p>6 THE VIDEOGRAPHER: We're on the</p> <p>7 record at 9:09.</p> <p>8 Today's date is December 12th,</p> <p>9 2018. We are here in the matter of</p> <p>10 National Prescription Opiate</p> <p>11 Litigation. This deposition is taking</p> <p>12 place in Cleveland, Ohio.</p> <p>13 Will counsel please identify</p> <p>14 themselves for the record.</p> <p>15 MR. BADALA: Salvatore Badala for</p> <p>16 the plaintiff, Cuyahoga County.</p> <p>17 MR. CIACCIO: Joseph Ciaccio for</p> <p>18 Cuyahoga County.</p> <p>19 MR. SMITH: Scott Smith for</p> <p>20 Cuyahoga County.</p> <p>21 MR. BOEHM: Good morning,</p> <p>22 everybody. My name is Paul Boehm. I'm</p> <p>23 at Williams & Connolly. I'm here for</p> <p>24 Cardinal Health.</p> <p>25 MS. CONWAY: Sarah Conway from</p>	<p style="text-align: right;">Page 13</p> <p>1 and I introduced ourselves before we went on</p> <p>2 the record. I'll do that again for the</p> <p>3 record.</p> <p>4 My name is Paul Boehm, and I</p> <p>5 represent one of the defendants in this</p> <p>6 case. And I'll be asking you some questions</p> <p>7 here today.</p> <p>8 A. Okay.</p> <p>9 Q. Now, I understand that you are</p> <p>10 the director of the Cuyahoga County Office of</p> <p>11 Budget Management; is that correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And can you just spell your name</p> <p>14 so that we have it for the record?</p> <p>15 A. It's K-e-e-n-a-n.</p> <p>16 Q. And your first name as well,</p> <p>17 please?</p> <p>18 A. Oh, sorry. M-a-r-g-a-r-e-t.</p> <p>19 Q. Do you have an understanding</p> <p>20 about why you have been identified as a</p> <p>21 witness in this case?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. You can go ahead and answer.</p> <p>25 A. Yes. As the director of the</p>

<p style="text-align: right;">Page 14</p> <p>1 Office of Budget Management, I have knowledge</p> <p>2 relative to all financial matters that affect</p> <p>3 the county.</p> <p>4 Q. Now, do you have knowledge about</p> <p>5 financial matters that date back prior to</p> <p>6 your time as the director of the Office of</p> <p>7 Budget Management?</p> <p>8 A. I do. I was first hired in the</p> <p>9 Office of Budget Management in 2006.</p> <p>10 Q. And have you undertaken, as part</p> <p>11 of your responsibilities as the current</p> <p>12 director of that office, to try and</p> <p>13 understand the historical budgeting process</p> <p>14 and the historical budgets for the county?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: Absolutely.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. When did you first learn about</p> <p>19 the existence of this lawsuit?</p> <p>20 MR. BADALA: I'm just going to</p> <p>21 instruct you that to the extent a</p> <p>22 communication came from the law</p> <p>23 department or an attorney, not to</p> <p>24 disclose that communication. So you can</p> <p>25 answer without disclosing that</p>	<p style="text-align: right;">Page 16</p> <p>1 A. I don't want to guess. I don't</p> <p>2 know.</p> <p>3 Q. Do you recall how you learned</p> <p>4 about the existence of a lawsuit?</p> <p>5 A. Yes.</p> <p>6 Q. And how is that?</p> <p>7 A. That was communicated by the</p> <p>8 county's law director.</p> <p>9 Q. When you reference the county's</p> <p>10 law director, you're referring to an employee</p> <p>11 of Cuyahoga County?</p> <p>12 A. I am.</p> <p>13 Q. Who works in the law department?</p> <p>14 A. Yes.</p> <p>15 Q. And who is that?</p> <p>16 A. Robert Triozzi.</p> <p>17 Q. Do you have views or opinions</p> <p>18 about the merits of this lawsuit?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. Have you read the complaint?</p> <p>23 A. I have not.</p> <p>24 Q. Has anybody ever asked you to</p> <p>25 review the complaint?</p>
<p style="text-align: right;">Page 15</p> <p>1 communication.</p> <p>2 THE WITNESS: I cannot.</p> <p>3 MR. BOEHM: No, no, no. I think</p> <p>4 the direction might have been confusing.</p> <p>5 MR. BADALA: Yeah. He's asking</p> <p>6 when, not asking what the conversation</p> <p>7 was about. Do you know a date?</p> <p>8 I'm assuming you're asking a</p> <p>9 date.</p> <p>10 MR. BOEHM: Correct.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. I'm not asking about the</p> <p>13 substantive conversations or you to tell me</p> <p>14 what Sal said to you or what you said to</p> <p>15 Sal --</p> <p>16 A. Okay.</p> <p>17 Q. -- or Sal's friends.</p> <p>18 I'm asking you, just as a</p> <p>19 factual matter, when did you first learn</p> <p>20 about the existence of this lawsuit.</p> <p>21 A. I can't recall a date.</p> <p>22 Q. Can you recall generally when</p> <p>23 that would have been?</p> <p>24 A. I cannot.</p> <p>25 Q. Would it have been in 2018?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No.</p> <p>2 Q. Do you have any opinions about</p> <p>3 what factors have caused or contributed to</p> <p>4 the misuse or the abuse of opiates --</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. -- in Cuyahoga County?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I'm sorry. Could</p> <p>10 you repeat the question?</p> <p>11 MR. BOEHM: Sure. Perhaps the</p> <p>12 court reporter can read it back for you.</p> <p>13 (The reporter read back where</p> <p>14 requested.)</p> <p>15 THE WITNESS: So based on</p> <p>16 articles I've read, journals I've read,</p> <p>17 I do believe that there is -- that the</p> <p>18 abuse is related to prescription</p> <p>19 opiates.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. And when you say that you believe</p> <p>22 the abuse is related to prescription opiates,</p> <p>23 can you say more about what you mean by that?</p> <p>24 A. I'm unclear really what you're</p> <p>25 asking. That's my belief based on what I've</p>

<p style="text-align: right;">Page 18</p> <p>1 read and what I've heard.</p> <p>2 Q. Right. And I'm just trying to</p> <p>3 understand what you mean when you say it's</p> <p>4 your understanding that prescription opiates</p> <p>5 have caused or contributed to the misuse or</p> <p>6 abuse of opiates.</p> <p>7 A. So you're asking my opinion?</p> <p>8 Q. Uh-huh.</p> <p>9 A. And based on what I've read and</p> <p>10 what I've heard, I do believe that the cause</p> <p>11 of our current epidemic is related to</p> <p>12 prescription opiates.</p> <p>13 Q. Right. And I'm -- can you</p> <p>14 explain why that is your understanding?</p> <p>15 A. Like I said, it's based on</p> <p>16 articles I've read, journals I've read,</p> <p>17 conversations I've had.</p> <p>18 Q. What articles are you referring</p> <p>19 to?</p> <p>20 A. I can't recall specific articles</p> <p>21 I've read. I read articles every day.</p> <p>22 Q. Newspaper articles or articles</p> <p>23 from other sources?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: Newspaper articles,</p>	<p style="text-align: right;">Page 20</p> <p>1 quite frequently. It's dramatically</p> <p>2 affecting the county's budget, which is my</p> <p>3 area of expertise.</p> <p>4 Q. Who do you have those</p> <p>5 conversations with?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: So within the</p> <p>8 county system specifically, Dr. Thomas</p> <p>9 Gilson, our medical examiner; Walter</p> <p>10 Parfejewiec, our director of Health and</p> <p>11 Human Services; Hugh Shannon, the</p> <p>12 administrator for the medical examiner's</p> <p>13 office.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. Anybody else?</p> <p>16 A. No.</p> <p>17 Q. How regularly do you speak with</p> <p>18 Mr. Gilson, Mr. Shannon, or -- I'm going to</p> <p>19 not say this name correctly -- Par --</p> <p>20 A. Parfejewiec.</p> <p>21 Q. -- Parfejewiec on the subject of</p> <p>22 opiate misuse or abuse?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: Quite frequently.</p> <p>25</p>
<p style="text-align: right;">Page 19</p> <p>1 magazine articles, journals.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. Can you remember any one</p> <p>4 particular article that you've read that has</p> <p>5 informed your understanding on the question</p> <p>6 of what has caused or contributed to the</p> <p>7 misuse or the abuse of opiates in Cuyahoga</p> <p>8 County?</p> <p>9 A. I'm sorry, I can't.</p> <p>10 Q. You also indicated that you might</p> <p>11 have had some conversations about that</p> <p>12 subject --</p> <p>13 A. Yes.</p> <p>14 Q. -- that have informed your</p> <p>15 understanding?</p> <p>16 A. Yes.</p> <p>17 Q. With whom have you had such</p> <p>18 conversations?</p> <p>19 A. I can't recall specific</p> <p>20 individuals. I have conversations with</p> <p>21 people every day.</p> <p>22 Q. Do you have conversations every</p> <p>23 day with people about the misuse and abuse of</p> <p>24 opiates?</p> <p>25 A. I have conversations about that</p>	<p style="text-align: right;">Page 21</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Can you say what you mean by</p> <p>3 that?</p> <p>4 A. I routinely have conversations</p> <p>5 with those individuals and anyone else in the</p> <p>6 county because it impacts the county budget.</p> <p>7 Q. You mean once a week, once a</p> <p>8 month? How often?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: I can't guess.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. When is the last time you've had</p> <p>13 a conversation with any of the three</p> <p>14 individuals you've identified as having</p> <p>15 conversations about the subject of opiate</p> <p>16 abuse in Cuyahoga County?</p> <p>17 A. I can't recall a specific date.</p> <p>18 I don't keep notes.</p> <p>19 Q. Was it within the last month?</p> <p>20 A. I don't want to guess.</p> <p>21 Q. Was it in the last six months?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. And do you recall what you</p>

<p style="text-align: right;">Page 22</p> <p>1 discussed?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: Not specifically,</p> <p>4 no.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Do you recall generally what you</p> <p>7 discussed?</p> <p>8 A. Prescription opiates.</p> <p>9 Q. What did you discuss -- well, let</p> <p>10 me back up.</p> <p>11 Who was that conversation with?</p> <p>12 A. I have had conversations with</p> <p>13 those three individuals within the last six</p> <p>14 months. I don't recall specific dates. I</p> <p>15 don't recall the specific nature of any one</p> <p>16 of those conversations.</p> <p>17 Q. What was the general nature of</p> <p>18 those conversations?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: Prescription</p> <p>21 opiates and the impact on the county</p> <p>22 budget.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. Did they provide you information</p> <p>25 about their views on prescription opiates and</p>	<p style="text-align: right;">Page 24</p> <p>1 prescription opiates on Cuyahoga County's</p> <p>2 budget?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: Conversations, no.</p> <p>5 But I have received data from all those</p> <p>6 sources.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. When you talk about receiving</p> <p>9 data, what data have you received from them?</p> <p>10 A. As part of my job, I track</p> <p>11 certain key indicators in county operations</p> <p>12 so that I can make judgments relative to</p> <p>13 current year spending, future year spending.</p> <p>14 Part of what OBM does is we provide forecasts</p> <p>15 not only for the current year, but also for</p> <p>16 five years out. We're required to do that by</p> <p>17 law.</p> <p>18 So I do track, for example, the</p> <p>19 number of children in out-of-home placement</p> <p>20 in our Department of Children and Family</p> <p>21 Services. I track the number of people that</p> <p>22 are in our jail. I track the number of</p> <p>23 autopsies performed. I have received data</p> <p>24 on the number of toxicology tests that we're</p> <p>25 performing in the Medical Examiner's office.</p>
<p style="text-align: right;">Page 23</p> <p>1 the impact on Cuyahoga County's budget?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I don't recall the</p> <p>4 specific nature of any of those</p> <p>5 conversations.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. So you don't know if they gave</p> <p>8 you information that informed your</p> <p>9 understanding about the impact of</p> <p>10 prescription opioids on Cuyahoga County's</p> <p>11 budget?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I'm saying I don't</p> <p>14 recall the specific nature of the</p> <p>15 conversations that I've had within the</p> <p>16 last six months.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. Do you recall conversations with</p> <p>19 any of those individuals where they provided</p> <p>20 to you information --</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 MR. BOEHM: I'm sorry. I'm not</p> <p>23 done yet, Sal.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. -- about the specific impact of</p>	<p style="text-align: right;">Page 25</p> <p>1 All of that has an impact on the</p> <p>2 budget, and all of that is used to determine</p> <p>3 what we are going to spend in the future.</p> <p>4 Q. You indicated that you'd had</p> <p>5 conversations with them about data related to</p> <p>6 prescription opioids, right?</p> <p>7 A. Correct.</p> <p>8 Q. You understand there's a</p> <p>9 difference between a prescription opioid</p> <p>10 medication approved by the Food and Drug</p> <p>11 Administration and an illegal opiate, right?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I am aware that</p> <p>14 there is a difference, but I don't</p> <p>15 believe that there's -- I do believe</p> <p>16 that both have had an impact on the</p> <p>17 county budget.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. And your understanding comes from</p> <p>20 reading newspaper articles?</p> <p>21 A. Yes.</p> <p>22 Q. Is it informed by other</p> <p>23 information?</p> <p>24 A. Like I said, newspaper articles,</p> <p>25 journal articles, conversations.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. In terms of the difference 2 between prescription and illegal opiates, 3 what conversations have you had and with whom 4 about the relative impact of prescription 5 versus illegal opiates? 6 MR. BADALA: Objection to form. 7 THE WITNESS: I can't recall 8 every conversation I've ever had. 9 BY MR. BOEHM: 10 Q. Have you ever had any 11 conversation about that difference? 12 A. Yes, but I do not recall when or 13 with whom. 14 Q. What was the nature of the 15 conversation you had -- with whoever it was 16 you had it and whenever it was you had it -- 17 about the difference between the impact of 18 prescription opioid medications and illegal 19 opiates? 20 A. I don't recall. 21 Q. You said that there were 22 conversations that informed your present 23 understanding -- 24 A. That's correct. 25 Q. -- about that distinction, right?</p>	<p style="text-align: right;">Page 28</p> <p>1 That's part of my job. 2 Q. But what I'm trying to tease out 3 here, Ms. Keenan, is the distinction between 4 prescription opioid medications and illegal 5 opiates and your view about the relative 6 impact of each category on Cuyahoga County 7 and its budget. And I'm wondering if you 8 have any opinions about that or if you're 9 just lumping all opiates together. 10 MR. BADALA: Objection to form. 11 THE WITNESS: I have an opinion 12 that opiate abuse stems from 13 prescription opiates. That's my 14 opinion. 15 BY MR. BOEHM: 16 Q. And your opinion is based on 17 what? 18 A. As I've said, articles I've read. 19 Q. Do you consider yourself an 20 expert in public health? 21 A. I do not. 22 Q. In epidemiology? 23 A. I do not. 24 Q. Are you a medical doctor? 25 A. I am not.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. That's correct. 2 Q. But you don't recall what those 3 conversations were about? 4 A. Not specifically, no. 5 Q. What about generally? 6 A. Generally, they're about the 7 difference between prescribed opiates and 8 illegal. 9 Q. How did those conversations 10 inform your understanding about the relative 11 impact on Cuyahoga County in terms of 12 prescription opioid medications versus 13 illegal opiates? 14 A. When I talk about the impact on 15 Cuyahoga County, I am talking specifically 16 about the impact of opiates. When I refer to 17 opiates in just -- I use opiates, not 18 opioids, just generally. So that's what I 19 mean when I say "opiates." I mean 20 prescription opiates, Fentanyl, carfentanil, 21 heroin. That all is encompassed in my 22 definition, just so we're clear. 23 But so, against, based on things 24 that I've read, I can make generalizations 25 about the impact on the county's budget.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. So you're not holding yourself 2 out as having any specialized expertise or 3 understanding about public health issues, 4 correct? 5 A. No, absolutely not. 6 Q. So when you talk about holding 7 that opinion, you hold that opinion just as a 8 layperson who has read some newspaper 9 articles, right? 10 MR. BADALA: Objection to form. 11 THE WITNESS: That's correct. 12 BY MR. BOEHM: 13 Q. When were you first approached by 14 the plaintiffs' lawyers about the possibility 15 of you providing sworn testimony in this 16 litigation? 17 A. I can't recall the date. 18 Q. Have you ever testified under 19 oath before? 20 A. I have. 21 Q. When was that? 22 A. I testified once in a court in 23 1999, maybe. I don't -- and then I have 24 testified before a grand jury. 25 Q. What was the nature of your</p>

<p style="text-align: right;">Page 30</p> <p>1 testimony in court in 1999?</p> <p>2 A. It was a domestic violence case.</p> <p>3 Q. And then you testified in the</p> <p>4 grand jury proceeding as well?</p> <p>5 A. Yes.</p> <p>6 Q. Was that also related to a</p> <p>7 domestic violence issue?</p> <p>8 MR. BADALA: I'm going to object</p> <p>9 and just -- to the extent that you've</p> <p>10 been informed not to discuss anything</p> <p>11 about a grand jury, I'm going to suggest</p> <p>12 you follow that instruction.</p> <p>13 THE WITNESS: I have been advised</p> <p>14 not to talk about that.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. You have been advised by counsel</p> <p>17 not to answer questions related to testimony</p> <p>18 you've given to a grand jury?</p> <p>19 A. Yes.</p> <p>20 Q. When was the grand jury</p> <p>21 testimony?</p> <p>22 MR. BADALA: Again, if you've</p> <p>23 been advised not to discuss anything</p> <p>24 about the grand jury, I would advise you</p> <p>25 to stay with that instruction.</p>	<p style="text-align: right;">Page 32</p> <p>1 MR. BADALA: I don't know if</p> <p>2 you're allowed to give that information.</p> <p>3 I don't know if we can do this off the</p> <p>4 record, but she's telling you that the</p> <p>5 prosecutor told her that. We can maybe</p> <p>6 do it off the record.</p> <p>7 MR. BOEHM: That's not an</p> <p>8 appropriate instruction not to answer.</p> <p>9 THE WITNESS: I'm not comfortable</p> <p>10 answering that question unless I were to</p> <p>11 talk to the prosecutor.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. Right now I want to know who the</p> <p>14 prosecutor is who told you that.</p> <p>15 A. I understand that, but I'm not</p> <p>16 comfortable answering that question until I</p> <p>17 talk to the prosecutor.</p> <p>18 MR. BOEHM: Okay. Let's go off</p> <p>19 the record.</p> <p>20 THE VIDEOGRAPHER: Off the</p> <p>21 record, 9:28 a.m.</p> <p>22 (Recess taken from 9:28 a.m. to</p> <p>23 9:36 a.m.)</p> <p>24 THE VIDEOGRAPHER: On the record,</p> <p>25 9:36.</p>
<p style="text-align: right;">Page 31</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Just because I'm not asking about</p> <p>3 the substance -- this question is not asking</p> <p>4 about what you said to a grand jury or the</p> <p>5 nature of the testimony, but rather when this</p> <p>6 happened.</p> <p>7 A. I understand, but I've been</p> <p>8 advised not to talk about it.</p> <p>9 MR. BOEHM: And what's the basis</p> <p>10 of the -- are you instructing the</p> <p>11 witness not to answer it?</p> <p>12 MR. BADALA: Well, why don't you</p> <p>13 ask her.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. Who has instructed you not to</p> <p>16 give testimony about your -- testimony today</p> <p>17 about testimony you previously have given</p> <p>18 before a grand jury?</p> <p>19 A. The prosecutor.</p> <p>20 Q. A prosecutor for Cuyahoga County?</p> <p>21 A. Yes.</p> <p>22 Q. What's the name of the prosecutor</p> <p>23 for Cuyahoga County who instructed you not to</p> <p>24 testify today about your grand jury</p> <p>25 experience?</p>	<p style="text-align: right;">Page 33</p> <p>1 MR. BADALA: And just for the</p> <p>2 record, we went off the record. Counsel</p> <p>3 spoke about this -- about the grand</p> <p>4 jury. The witness was able to speak to</p> <p>5 the prosecutor's office. Again, she was</p> <p>6 instructed not to give any detail. But</p> <p>7 my understanding is she can at least</p> <p>8 identify the prosecutor's name for the</p> <p>9 defendants.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. Yes, Ms. Keenan. One of the</p> <p>12 questions I had for you is which prosecutor</p> <p>13 for Cuyahoga County instructed you not to</p> <p>14 provide any information about the grand jury</p> <p>15 investigation and testimony that you provided</p> <p>16 in the past?</p> <p>17 A. Assistant County Prosecutor Matt</p> <p>18 Meyer.</p> <p>19 Q. And when did Mr. Meyer instruct</p> <p>20 you not to provide any testimony today about</p> <p>21 that investigation?</p> <p>22 A. I can't answer that question.</p> <p>23 Q. You can't tell me whether that</p> <p>24 was recent or ten years ago?</p> <p>25 A. I've been instructed not to say</p>

<p style="text-align: right;">Page 34</p> <p>1 anything except the name of the prosecutor.</p> <p>2 Q. Does this grand jury</p> <p>3 investigation that you are referring to --</p> <p>4 well, let me strike that and start over.</p> <p>5 Is the grand jury investigation</p> <p>6 that you're referring to ongoing?</p> <p>7 MR. BADALA: Objection.</p> <p>8 Again, if you've been instructed</p> <p>9 not to give details, I would instruct</p> <p>10 you to follow that instruction.</p> <p>11 MR. BOEHM: All right. So now I</p> <p>12 understand you, Sal, to be instructing</p> <p>13 the witness to follow the instructions</p> <p>14 of the county prosecutor.</p> <p>15 Now it's the position of the</p> <p>16 county that she cannot provide</p> <p>17 responses to these questions, correct?</p> <p>18 MR. BADALA: She can answer above</p> <p>19 my objection. You can ask her if she</p> <p>20 can.</p> <p>21 MR. BOEHM: But I am saying</p> <p>22 something different. You are</p> <p>23 instructing her to follow the advice of</p> <p>24 Mr. Meyer; is that right?</p> <p>25 MR. BADALA: I'm saying if she</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. What is the -- you've gone to law</p> <p>2 school, right?</p> <p>3 A. I am in law school.</p> <p>4 Q. You are in law school.</p> <p>5 What is your graduation date?</p> <p>6 A. I have no idea. Hopefully 2021.</p> <p>7 Q. Okay.</p> <p>8 What's the basis of the</p> <p>9 instruction for you not to provide any</p> <p>10 information about this?</p> <p>11 A. I can only tell you what I was</p> <p>12 told. I did not ask for rationale, and I'm</p> <p>13 not going to guess at what his rationale was.</p> <p>14 MR. BOEHM: Sal, do you know the</p> <p>15 basis? Can you help us with that?</p> <p>16 MR. BADALA: I don't know.</p> <p>17 MR. BOEHM: Not even the basis?</p> <p>18 MR. BADALA: I don't know.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. Do you know Mr. Frank Russo?</p> <p>21 A. Not personally. I know of him.</p> <p>22 Q. You never met Mr. Russo?</p> <p>23 A. No, I did not.</p> <p>24 Q. What about Mr. Jimmy Dimora?</p> <p>25 A. I, again, know of him. I was in</p>
<p style="text-align: right;">Page 35</p> <p>1 has been told, then I would instruct her</p> <p>2 to follow that. If she doesn't want to</p> <p>3 follow it, she can. It's her choice.</p> <p>4 You can ask her.</p> <p>5 MR. BOEHM: But you're</p> <p>6 instructing her to follow it.</p> <p>7 MR. BADALA: I said if she has</p> <p>8 been told that, that she should follow</p> <p>9 that. I'm instructing her. It's a</p> <p>10 simple objection. If she can answer</p> <p>11 that without that, then let her answer.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. What's the reason why you cannot</p> <p>14 provide information about that?</p> <p>15 A. I have been instructed by the</p> <p>16 county prosecutor not to say anything.</p> <p>17 Q. I understand, but my question is</p> <p>18 why can't you provide information about this?</p> <p>19 A. I don't mean to be difficult, but</p> <p>20 I have been instructed by the county</p> <p>21 prosecutor not to say anything.</p> <p>22 Q. You can't tell me why?</p> <p>23 A. I can't guess as to what his</p> <p>24 motives or objectives or rationale is. I can</p> <p>25 only tell you what I was told.</p>	<p style="text-align: right;">Page 37</p> <p>1 one meeting with Jimmy Dimora, but I don't</p> <p>2 believe that we were even introduced.</p> <p>3 Q. You recall that right around</p> <p>4 2009/2010, there was a criminal investigation</p> <p>5 of public figures in Cuyahoga County related</p> <p>6 to corruption, correct?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: Absolutely.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. Did you have any knowledge or</p> <p>11 information about the nature of the</p> <p>12 allegations that were giving rise to that</p> <p>13 criminal investigation?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: No, I did not.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Were you ever interviewed in</p> <p>18 connection with that investigation?</p> <p>19 A. With the county's corruption</p> <p>20 investigation? No.</p> <p>21 Q. Okay.</p> <p>22 You indicated that you've given</p> <p>23 courtroom testimony related to a domestic</p> <p>24 violence issue, and then that you testified</p> <p>25 before a grand jury, and you won't tell us</p>

<p style="text-align: right;">Page 38</p> <p>1 anything about that, unfortunately.</p> <p>2 Is there anything else? Have</p> <p>3 there ever been any other occasions when you</p> <p>4 have given sworn testimony?</p> <p>5 A. No.</p> <p>6 Q. And you understand that you're</p> <p>7 under oath today, right?</p> <p>8 A. I do.</p> <p>9 Q. Is there any reason why you may</p> <p>10 not be able to testify truthfully,</p> <p>11 accurately, and completely in answering the</p> <p>12 questions that we ask you here today?</p> <p>13 A. There is no reason why I could</p> <p>14 not answer truthfully and accurately. I</p> <p>15 can't answer completely based on the advice</p> <p>16 of the county prosecutor.</p> <p>17 Q. Are there any other subjects that</p> <p>18 anybody has told you you can't talk about</p> <p>19 here today if you're asked questions?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 Any communications with counsel,</p> <p>22 obviously, if we get into that. Are you</p> <p>23 talking about other matters?</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. Well, have you been instructed by</p>	<p style="text-align: right;">Page 40</p> <p>1 county's attorneys. That was it.</p> <p>2 Q. Who specifically did you meet</p> <p>3 with?</p> <p>4 A. I have had more than one meeting.</p> <p>5 So I've met primarily with Sal. I have met</p> <p>6 with Joe. I have met with Sam. And I had</p> <p>7 one meeting some time ago with Frank</p> <p>8 Gallucci.</p> <p>9 Q. Anybody else?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. And you indicated that you've had</p> <p>12 more than one meeting?</p> <p>13 A. That's correct.</p> <p>14 Q. How many meetings have you had?</p> <p>15 A. I can't say.</p> <p>16 Q. Can you tell me roughly how many</p> <p>17 meetings you've had with the lawyers?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: I don't want to</p> <p>20 guess. I don't keep a list.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. Have you had so many meetings</p> <p>23 with the lawyers that you can't keep track?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I'm not sure how to</p>
<p style="text-align: right;">Page 39</p> <p>1 anybody to not provide information that you</p> <p>2 know about in response to questions that are</p> <p>3 asked of you today?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: No, I have not.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Other than this grand jury.</p> <p>8 A. That's correct.</p> <p>9 Q. Will you please let me know if</p> <p>10 you don't understand any of my questions here</p> <p>11 today?</p> <p>12 A. Yes.</p> <p>13 Q. And we've been doing a pretty</p> <p>14 good job of this so far, and let's see if we</p> <p>15 can keep it up. But one of us, and only one</p> <p>16 of us, should be speaking at a time. And</p> <p>17 that's because, as you've noticed, we have a</p> <p>18 court reporter here who is typing everything</p> <p>19 up. And if we're both speaking at the same</p> <p>20 time, it becomes very difficult.</p> <p>21 Does that make sense?</p> <p>22 A. Yes.</p> <p>23 Q. What did you do to prepare for</p> <p>24 your deposition today?</p> <p>25 A. I met with my attorneys, the</p>	<p style="text-align: right;">Page 41</p> <p>1 answer that question. I have had more</p> <p>2 than one meeting. I have had multiple</p> <p>3 meetings. But I don't want to guess at</p> <p>4 how many.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Have you had five?</p> <p>7 A. I don't want to guess.</p> <p>8 Q. Is it possible you've had five</p> <p>9 meetings with the lawyers?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: I don't want to</p> <p>12 guess. I don't recall how many meetings</p> <p>13 I've had.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. But it's possible you've had</p> <p>16 five?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: Anything is</p> <p>19 possible.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. Is it possible you've had more</p> <p>22 than five meetings with the lawyers to</p> <p>23 prepare for your deposition?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I don't want to</p>

<p style="text-align: right;">Page 42</p> <p>1 guess.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. I'm not asking you to guess. I'm</p> <p>4 asking you a question. The question is: Is</p> <p>5 it possible that you've had more than five</p> <p>6 meetings with the lawyers to prepare for your</p> <p>7 deposition?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I don't recall how</p> <p>10 many meetings I've had.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. How long have your meetings gone?</p> <p>13 A. Well, varying lengths. Some of</p> <p>14 them were -- I mean, some of them were</p> <p>15 probably an hour, and then I had one meeting</p> <p>16 that lasted five hours.</p> <p>17 Q. When was the five-hour meeting?</p> <p>18 A. Yesterday.</p> <p>19 Q. Did you meet with the lawyers on</p> <p>20 Monday?</p> <p>21 A. No.</p> <p>22 Q. Did you review any documents in</p> <p>23 preparation for your testimony here today?</p> <p>24 A. I didn't review documents. I</p> <p>25 have been asked to provide documents to the</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Have you had conversations with</p> <p>2 anybody outside of your lawyers in connection</p> <p>3 with your deposition testimony?</p> <p>4 MR. BADALA: Objection. I would</p> <p>5 also include the county law department</p> <p>6 when you say "your lawyers."</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Go ahead and answer.</p> <p>9 A. I have -- I communicated to my</p> <p>10 supervisor, Dennis Kennedy, and my staff,</p> <p>11 that I was going to be in a deposition to</p> <p>12 explain why I wasn't going to be at work</p> <p>13 today.</p> <p>14 Q. Have you ever spoken with</p> <p>15 Mr. Kennedy about the budget impact of opiate</p> <p>16 use or misuse in Cuyahoga County?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I have -- you know,</p> <p>19 I can't say whether I've specifically</p> <p>20 had that conversation with Dennis</p> <p>21 Kennedy.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. You don't recall ever having had</p> <p>24 a conversation with Mr. Dennis Kennedy about</p> <p>25 the budget impact of opiate use or misuse on</p>
<p style="text-align: right;">Page 43</p> <p>1 attorneys. So -- I mean, in preparing them,</p> <p>2 either I, you know, had to prepare them,</p> <p>3 which requires some amount of review. But I</p> <p>4 didn't, like, study up on documents, if</p> <p>5 that's what you mean.</p> <p>6 Q. When you say you had to collect</p> <p>7 documents to give to the lawyers, tell me</p> <p>8 more about that. What are you referring to?</p> <p>9 A. I provided budget documents for</p> <p>10 the county going back several years. I</p> <p>11 provided our comprehensive annual financial</p> <p>12 report, which is referred to as the CAFR,</p> <p>13 going back many years.</p> <p>14 I have provided spreadsheets</p> <p>15 that detail, you know, expenditures by</p> <p>16 departments.</p> <p>17 Q. When did you provide those</p> <p>18 materials to the lawyers?</p> <p>19 A. Different dates. I don't recall</p> <p>20 the specific dates, but at different times.</p> <p>21 It wasn't all at once.</p> <p>22 Q. Have you read the transcripts of</p> <p>23 any depositions of other individuals who have</p> <p>24 testified in this litigation?</p> <p>25 A. No, I have not.</p>	<p style="text-align: right;">Page 45</p> <p>1 Cuyahoga County; is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. You indicated that you also told</p> <p>4 your staff that you would be absent today</p> <p>5 because you were giving a deposition?</p> <p>6 A. That's correct.</p> <p>7 Q. Have you spoken with any of your</p> <p>8 work colleagues or anybody within county</p> <p>9 government about the nature of your</p> <p>10 deposition testimony today?</p> <p>11 A. No, I have not.</p> <p>12 Q. Have you spoken with friends or</p> <p>13 family?</p> <p>14 A. About this? No.</p> <p>15 (Maggie Keenan, Curriculum</p> <p>16 Vitae, CUYAH_003301608 to</p> <p>17 CUYAH_003301609, marked as</p> <p>18 Deposition Exhibit 1.)</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. Ms. Keenan, I'm handing you a</p> <p>21 document that's been marked Exhibit 1 for</p> <p>22 purposes of your deposition. And I'll</p> <p>23 represent to you that this was produced to us</p> <p>24 in the context of the litigation by counsel</p> <p>25 for the county.</p>

<p style="text-align: right;">Page 46</p> <p>1 And it appears to be your 2 resume. Does that look right to you? 3 A. It does. 4 (Interruption in proceedings.) 5 MR. BOEHM: Off the record. 6 THE VIDEOGRAPHER: Off the 7 record. 8 (Recess taken, 9:50 a.m. to 9 10:11 a.m.; whereupon a phone 10 call was made to 11 Special Master Cohen.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 48</p> <p>1 The issue is that Ms. Keenan has 2 been instructed by somebody in the 3 prosecutor's office for 4 Cuyahoga County, Mr. Matt Meyer, to not 5 provide any information about testimony 6 that she has given in connection with a 7 grand jury proceeding, including when 8 that testimony took place, when she was 9 instructed not to provide information 10 to us about it, the basis of the 11 instruction not to provide any 12 information. 13 So we're really just left not 14 knowing anything about why we're not 15 allowed to ask questions about it. 16 It may be that there's a very 17 good reason why; we just don't know 18 what that is. 19 And it sounds like, from Sal 20 here, that they also don't know why 21 Ms. Keenan was told not to answer 22 questions about this, including when 23 she was instructed or -- 24 SPECIAL MASTER COHEN: May I 25 interrupt you?</p>
<p style="text-align: right;">Page 47</p> <p>1 ***** 2 Transcript of phone call, 3 December 12, 2018 at 9:52 a.m. 4 ***** 5 SPECIAL MASTER COHEN: Can 6 somebody tell me -- I think I read that 7 this deponent's name is Maggie -- what 8 her position is? 9 MR. BOEHM: Sure. It's 10 Maggie Keenan. 11 Maggie is the director of the 12 Office of Budget Management for 13 Cuyahoga County. Today she's being 14 deposed in her personal capacity. 15 We understand that the County 16 has designated her for 30(b)(6) 17 testimony that will be taking place at 18 a later date. 19 SPECIAL MASTER COHEN: Okay. 20 MR. BOEHM: So the issue right 21 now, David, is that -- and this is 22 Paul Boehm speaking. 23 Thank you for taking a minute, 24 especially while you're traveling in an 25 airport.</p>	<p style="text-align: right;">Page 49</p> <p>1 MR. BOEHM: Yes. Go ahead. 2 SPECIAL MASTER COHEN: So I'm 3 losing about 10 percent of what you're 4 saying because you're cutting out. I 5 don't know if there's a window you could 6 move closer to or -- I'm not sure why 7 that's happening. 8 MR. BOEHM: I'm sorry. I moved 9 the phone a little bit closer. We're at 10 a big conference room table. Hopefully 11 this helps a little bit. 12 SPECIAL MASTER COHEN: Okay. 13 So I understand the issue, and I 14 think I understand where we are on it. 15 And the -- my understanding is 16 that the attorney for the City of 17 Cleveland in their prosecutor's office 18 who instructed the witness not to 19 answer questions is not currently 20 available? 21 MR. BOEHM: The person is 22 available and spoke apparently -- is 23 that right, Sal? 24 MR. BADALA: Well, she spoke to 25 the prosecutor's office. I don't know</p>

<p style="text-align: right;">Page 50</p> <p>1 if she specifically spoke to that</p> <p>2 prosecutor.</p> <p>3 But the prosecutor's office -- a</p> <p>4 prosecutor there said, "Like we told</p> <p>5 you, do not disclose any details about</p> <p>6 this. We're instructing you not to.</p> <p>7 If we need to go to court on it, we</p> <p>8 can. But do not instruct anything</p> <p>9 about it -- do not give any details</p> <p>10 about it."</p> <p>11 MR. BOEHM: And that person -- I</p> <p>12 don't know who she had that conversation</p> <p>13 with; maybe Sal does.</p> <p>14 Was it Mr. Meyer?</p> <p>15 MR. BADALA: No. I don't think</p> <p>16 he was available. She might have spoken</p> <p>17 to him. I know she called the</p> <p>18 prosecutor's office. So she might have</p> <p>19 spoken to the head prosecutor,</p> <p>20 Mike O'Malley.</p> <p>21 MR. BOEHM: So we don't know who</p> <p>22 she has spoken with.</p> <p>23 SPECIAL MASTER COHEN: Is she in</p> <p>24 the room?</p> <p>25 MR. BADALA: She's not in the</p>	<p style="text-align: right;">Page 52</p> <p>1 SPECIAL MASTER COHEN: And you're</p> <p>2 not an attorney; is that correct?</p> <p>3 THE WITNESS: No.</p> <p>4 SPECIAL MASTER COHEN: And you</p> <p>5 apparently gave some testimony to a</p> <p>6 grand jury at some point; is that</p> <p>7 correct?</p> <p>8 THE WITNESS: That's correct.</p> <p>9 SPECIAL MASTER COHEN: And my</p> <p>10 understanding is also that you were</p> <p>11 instructed by an attorney who works for</p> <p>12 the City of Cleveland, apparently</p> <p>13 somebody in the prosecutor's office,</p> <p>14 that you should not discuss any of the</p> <p>15 testimony that you gave in front of the</p> <p>16 grand jury.</p> <p>17 Do I still have everything</p> <p>18 right?</p> <p>19 THE WITNESS: Except that I was</p> <p>20 instructed by only the county</p> <p>21 prosecutor's office, not City of</p> <p>22 Cleveland attorneys.</p> <p>23 SPECIAL MASTER COHEN: Okay. So</p> <p>24 let me just explain something very</p> <p>25 briefly to you.</p>
<p style="text-align: right;">Page 51</p> <p>1 room. We can pull her in here if you'd</p> <p>2 like.</p> <p>3 SPECIAL MASTER COHEN: Why don't</p> <p>4 you do that.</p> <p>5 (Pause in proceedings.)</p> <p>6 MR. BOEHM: David? Maggie has</p> <p>7 come in. She can hear you now.</p> <p>8 SPECIAL MASTER COHEN: Hello,</p> <p>9 Maggie. My name is David Cohen. I'm</p> <p>10 the Special Master in the opioid</p> <p>11 litigation.</p> <p>12 How are you?</p> <p>13 THE WITNESS: I'm good.</p> <p>14 SPECIAL MASTER COHEN: If you</p> <p>15 could do me the favor of getting as</p> <p>16 close to the phone as possible, because</p> <p>17 it breaks up if you're not right on top</p> <p>18 of it.</p> <p>19 THE WITNESS: Okay.</p> <p>20 SPECIAL MASTER COHEN: So my</p> <p>21 understanding is that you work for the</p> <p>22 office of -- is it OMB or OBM for the</p> <p>23 City of Cleveland?</p> <p>24 THE WITNESS: That's right. OBM,</p> <p>25 but I'm with the county.</p>	<p style="text-align: right;">Page 53</p> <p>1 There are reasons that you are</p> <p>2 allowed not to answer questions under</p> <p>3 oath. One of them is any conversations</p> <p>4 that you have had with an attorney for</p> <p>5 the purpose of obtaining or receiving</p> <p>6 legal advice, you are not required --</p> <p>7 you are allowed to say, "I am not going</p> <p>8 to tell you what my attorney and I</p> <p>9 spoke about." Okay?</p> <p>10 THE WITNESS: Okay.</p> <p>11 SPECIAL MASTER COHEN: There are</p> <p>12 others.</p> <p>13 For example, the grand jury</p> <p>14 proceedings are secret, and so what</p> <p>15 happens within those grand jury</p> <p>16 proceedings, for example, what you were</p> <p>17 asked and how you responded to certain</p> <p>18 questions is also, as a general matter,</p> <p>19 secret, and you're allowed to say, "I'm</p> <p>20 not going to answer that question."</p> <p>21 THE WITNESS: Okay.</p> <p>22 SPECIAL MASTER COHEN: But there</p> <p>23 are certain questions that counsel is</p> <p>24 allowed to ask you to essentially test</p> <p>25 the privilege.</p>

<p style="text-align: right;">Page 54</p> <p>1 So, for example, if I have a</p> <p>2 conversation with my attorney, and they</p> <p>3 say, "Well, what did you and your</p> <p>4 attorney talk about?" I'm allowed to</p> <p>5 say, "I ain't gonna tell you that</p> <p>6 because it's between my attorney and me</p> <p>7 and it was for the purpose of receiving</p> <p>8 legal advice, so that is privileged."</p> <p>9 But they're allowed to ask me</p> <p>10 questions like, "Well, who is your</p> <p>11 attorney? When did you have that</p> <p>12 conversation?" In other words,</p> <p>13 information that doesn't go to the</p> <p>14 substance of what I talked about with</p> <p>15 my attorney, that just kind of goes</p> <p>16 around the circumference of it to</p> <p>17 understand what generally we were</p> <p>18 talking -- when I say "what generally</p> <p>19 we were talking about," it could be "I</p> <p>20 was receiving advice for taxes," okay,</p> <p>21 something as simple as that, "and we</p> <p>22 had a conversation on January 31st</p> <p>23 about it." That, they're allowed to</p> <p>24 ask.</p> <p>25 So those very basic questions --</p>	<p style="text-align: right;">Page 56</p> <p>1 you tell me just when it was that you</p> <p>2 testified in front of the grand jury?</p> <p>3 MR. BADALA: Special Master</p> <p>4 Cohen, that's part of the issue. She</p> <p>5 asked the prosecutor if she can answer</p> <p>6 that question and the prosecutor told</p> <p>7 her that she is not allowed to.</p> <p>8 So if we can get the prosecutor</p> <p>9 on the phone, maybe that will help.</p> <p>10 SPECIAL MASTER COHEN: I think it</p> <p>11 will.</p> <p>12 Before we do that, let me just</p> <p>13 ask a question.</p> <p>14 So, Paul, it's you who is asking</p> <p>15 these questions of Maggie, correct?</p> <p>16 MR. BOEHM: Yes, that's correct,</p> <p>17 David.</p> <p>18 SPECIAL MASTER COHEN: I just</p> <p>19 want to make sure I understand the</p> <p>20 relevance.</p> <p>21 Can you give me just some</p> <p>22 background as to how we got to where we</p> <p>23 are?</p> <p>24 MR. BOEHM: Well, how we got to</p> <p>25 where we are is I was asking about any</p>
<p style="text-align: right;">Page 55</p> <p>1 and I can tell you that this is what</p> <p>2 the prosecutor that you spoke with</p> <p>3 should have told you -- they are</p> <p>4 allowed to ask you, and you should</p> <p>5 answer.</p> <p>6 Now, I understand that you're</p> <p>7 trying to follow the instructions of an</p> <p>8 attorney that you spoke with.</p> <p>9 So the first question I will ask</p> <p>10 you, and I will tell you that this is</p> <p>11 something that counsel is allowed to</p> <p>12 ask and that you're allowed to say is,</p> <p>13 what's the name of the person that you</p> <p>14 spoke with who directed you not to</p> <p>15 answer questions because we may have to</p> <p>16 get that person on the phone.</p> <p>17 THE WITNESS: Okay.</p> <p>18 MR. BADALA: You can tell him.</p> <p>19 THE WITNESS: Oh, I'm sorry.</p> <p>20 Matt Meyer.</p> <p>21 SPECIAL MASTER COHEN: Is he with</p> <p>22 the prosecutor's office?</p> <p>23 THE WITNESS: He is. And Michael</p> <p>24 O'Malley, who is the county prosecutor.</p> <p>25 SPECIAL MASTER COHEN: And can</p>	<p style="text-align: right;">Page 57</p> <p>1 experience she has had testifying under</p> <p>2 oath before. I didn't have any</p> <p>3 indication that she had testified before</p> <p>4 a grand jury, so it wasn't like I</p> <p>5 planned to ask questions about it.</p> <p>6 I just asked a couple of</p> <p>7 follow-ups like you're asking, "When</p> <p>8 did you testify? When did you receive</p> <p>9 this instruction?"</p> <p>10 It's -- like you say, it's very</p> <p>11 possible it's not relevant. It's just</p> <p>12 impossible for me right now to discern</p> <p>13 that.</p> <p>14 SPECIAL MASTER COHEN: Knowing</p> <p>15 what I know about Cuyahoga County and</p> <p>16 what's been reported in the paper, my</p> <p>17 very strong suspicions is that the</p> <p>18 reasons that Maggie was talking to the</p> <p>19 grand jury have nothing to do with the</p> <p>20 opioid case.</p> <p>21 I get why you would want to</p> <p>22 know. "Have you testified before? Do</p> <p>23 you understand what testifying under</p> <p>24 oath means?" But I think that there's</p> <p>25 a greater than 90 percent chance that</p>

<p style="text-align: right;">Page 58</p> <p>1 what it was that she was testifying 2 about has nothing to do with opioids. 3 And, in fact, maybe that's a 4 question she can answer, because by 5 answering that question is how to get 6 past this, and it doesn't suggest in 7 any way what it was she was talking 8 about. 9 MR. BOEHM: Yeah. I think you 10 may be right. I don't know what the 11 percentage of likelihood is that this is 12 irrelevant. 13 I certainly believe it's 14 possible that it's not relevant. I 15 just can't really make that 16 determination based on the zero 17 information I've gotten so far. 18 And then I would just note that 19 she's -- her testimony, David, because 20 she's the director of the Office of 21 Budget Management, is a little bit 22 different in nature than maybe some of 23 the witnesses who we've been examining, 24 because she really has broad oversight 25 for all finance and budget-related</p>	<p style="text-align: right;">Page 60</p> <p>1 As the Special Master, I'm 2 essentially the Court. I don't mean to 3 overstate it, but I'm appointed by the 4 Court and I'm neutral and I don't work 5 for either side. 6 So the reason that they're 7 calling me is to get a neutral 8 evaluation. And anything you tell me 9 about what we would have a brief 10 conversation about would never be known 11 by anybody. 12 So is that something that you 13 feel comfortable doing? 14 MR. BADALA: It's up to you, 15 Maggie. Do you want to do that? You 16 tell me. 17 THE WITNESS: That's fine. 18 MR. BADALA: So we're going to go 19 off the record and everyone is going to 20 leave the room, and just you and Maggie 21 will stay here. 22 We're going to mute the phone. 23 Actually, if we could hang up and you 24 can dial back in, in about five 25 minutes. We'll dial back in, okay?</p>
<p style="text-align: right;">Page 59</p> <p>1 information. And that, of course, goes 2 to the damages part of the case. 3 And so it's -- I don't know, 4 again, if that has any relevance or 5 bearing on this issue with the grand 6 jury, but it's possible it does. 7 MR. BADALA: And Special Master 8 Cohen, this is Sal Badala again. 9 I think what -- if you agree 10 with this, I think maybe if you can 11 speak with the prosecutor himself and 12 ask if it's relevant to opioids, that 13 may help, and then you can tell us what 14 his response is. 15 I don't know how we can do this 16 without -- I don't want Maggie to do 17 something that the prosecutor 18 instructed her not to do already. 19 SPECIAL MASTER COHEN: Maggie, 20 there's two ways we can do this. 21 One is we can try and get the 22 attorneys you spoke with on the phone. 23 The other is that I can instruct the 24 attorneys to leave the room and you and 25 I can have the conversation.</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. BADALA: Special Master 2 Cohen, we're going to put you in a 3 separate room with Maggie. 4 (Pause in phone call.) 5 SPECIAL MASTER COHEN: So I had a 6 conversation with Maggie, during which 7 time she explained to me -- she was kind 8 enough to slightly ignore the 9 instructions she received from her 10 counsel from the prosecutor's office -- 11 sufficient to understand what it was 12 that she was testifying about, as a 13 general matter, in front of the grand 14 jury. 15 And as I strongly suspected, it 16 has absolutely nothing to do with the 17 opioid case. It's entirely irrelevant 18 to the opioid case. 19 And so if the only point that 20 questioning counsel, Mr. Boehm, had was 21 to understand the extent to which she's 22 testified before and understands what 23 an oath means, then I think you got 24 what you need and should move past 25 this. It really is just holding you up</p>

<p style="text-align: right;">Page 62</p> <p>1 for no good reason, and there's better</p> <p>2 things you should be doing with your</p> <p>3 time.</p> <p>4 MR. BOEHM: Understood. We thank</p> <p>5 you for your time.</p> <p>6 I guess, just for the record,</p> <p>7 we'd say that to the extent this might</p> <p>8 have relevance to financial</p> <p>9 irregularities or budgeting impacts,</p> <p>10 then potentially there would be</p> <p>11 relevance.</p> <p>12 For example, if somebody is</p> <p>13 stealing millions of dollars from the</p> <p>14 coffers of Cuyahoga County -- of</p> <p>15 course, I'm not suggesting that is the</p> <p>16 issue; I have no idea what it is --</p> <p>17 then that potentially could have some</p> <p>18 relevance in terms of calculations of</p> <p>19 resources available to the county and</p> <p>20 so on.</p> <p>21 If it's the determination that</p> <p>22 it even has not even that level of</p> <p>23 relevance or bearing on the</p> <p>24 allegations, then we'll proceed.</p> <p>25 MR. BADALA: And Special Master</p>	<p style="text-align: right;">Page 64</p> <p>1 relevant and directly related to what</p> <p>2 this lawsuit is about.</p> <p>3 MR. BOEHM: Thank you very much,</p> <p>4 David. I appreciate your time.</p> <p>5 MR. BADALA: Thank you.</p> <p>6 *****</p> <p>7 PHONE CALL TERMINATED, 10:11 A.M.</p> <p>8 *****</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 63</p> <p>1 Cohen, this is Sal Badala. We'll follow</p> <p>2 your ruling.</p> <p>3 I just think, you know, it was</p> <p>4 really unprofessional -- we've been</p> <p>5 professionals this whole time -- for</p> <p>6 now Mr. Boehm to go on the record and</p> <p>7 say something like accusations about</p> <p>8 stealing millions of dollars. I</p> <p>9 mean --</p> <p>10 MR. BOEHM: I specifically wasn't</p> <p>11 saying that, David. I think you know I</p> <p>12 was just throwing it out as an example.</p> <p>13 SPECIAL MASTER COHEN: He was</p> <p>14 just putting a marker down, saying that</p> <p>15 this could become relevant, and I</p> <p>16 understand why he did it.</p> <p>17 I'm telling you that the</p> <p>18 connection is so tenuous that I think</p> <p>19 you don't need to worry about it.</p> <p>20 If it comes back around, then</p> <p>21 it'll come back around, but I'm not</p> <p>22 seeing even the most remote likelihood</p> <p>23 of that at this point.</p> <p>24 So I really think we need to</p> <p>25 move on to things that are more</p>	<p style="text-align: right;">Page 65</p> <p>1 THE VIDEOGRAPHER: On the record,</p> <p>2 10:11.</p> <p>3 MR. BADALA: And, I guess, just</p> <p>4 for the video portion, we did have some</p> <p>5 discussions with Special Master Cohen on</p> <p>6 the record, but they weren't on the</p> <p>7 video.</p> <p>8 MR. BOEHM: Correct. We did not,</p> <p>9 as Master Cohen indicated, and as makes</p> <p>10 sense. It does not count against the</p> <p>11 time that we have available to us today.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. Okay.</p> <p>14 Ms. Keenan, we're back to</p> <p>15 looking at Exhibit 1 that was marked before</p> <p>16 we took a break. And you have that in front</p> <p>17 of you, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And this is a copy of a resume</p> <p>20 that belongs to you, right?</p> <p>21 A. Yes.</p> <p>22 Q. It looks like it's probably not</p> <p>23 up to date, fair?</p> <p>24 A. That's correct.</p> <p>25 Q. Can you give us an idea of --</p>

<p style="text-align: right;">Page 66</p> <p>1 from what time period this resume is from?</p> <p>2 A. I can't tell you when it was</p> <p>3 prepared, but it would have been after</p> <p>4 October of 2013, because I have an end date.</p> <p>5 Q. That's the latest date that shows</p> <p>6 up on your resume, is October 2013?</p> <p>7 A. That's correct.</p> <p>8 Q. All right. Let's look at the</p> <p>9 second page of this and look first at your</p> <p>10 education history.</p> <p>11 Do you see you have a section</p> <p>12 called "Education"?</p> <p>13 A. Yes.</p> <p>14 Q. You went to Cleveland State</p> <p>15 University?</p> <p>16 A. I did.</p> <p>17 Q. Are you from Cleveland?</p> <p>18 A. I am.</p> <p>19 Q. Born and raised?</p> <p>20 A. Yes.</p> <p>21 Q. And you received it looks like</p> <p>22 three undergraduate degrees -- am I reading</p> <p>23 that right? -- political science, psychology,</p> <p>24 and urban studies?</p> <p>25 A. It's two undergraduate degrees.</p>	<p style="text-align: right;">Page 68</p> <p>1 So I intended to do the double</p> <p>2 major -- or the two degrees from the</p> <p>3 separate colleges. And psychology I ended</p> <p>4 up tacking on. I have a sister who has a</p> <p>5 master's in psychology who asked me to take</p> <p>6 courses that she found interesting. And by</p> <p>7 the time I took all the classes she told me</p> <p>8 to take, I only needed a handful more to get</p> <p>9 the degree.</p> <p>10 Q. Okay.</p> <p>11 So you didn't go to law school</p> <p>12 immediately after your completion of</p> <p>13 bachelor's studies?</p> <p>14 A. I did not.</p> <p>15 Q. But you did enroll later in life,</p> <p>16 right?</p> <p>17 A. I did.</p> <p>18 Q. In fact, your resume says that</p> <p>19 you had enrolled, whenever this resume was</p> <p>20 created, at the Cleveland-Marshall College of</p> <p>21 Law, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. Are you currently enrolled?</p> <p>24 A. Yes. I am currently enrolled.</p> <p>25 Q. You kind of paused a little bit.</p>
<p style="text-align: right;">Page 67</p> <p>1 One of them was a double major.</p> <p>2 Q. Political science and psychology</p> <p>3 was a double major?</p> <p>4 A. That's correct.</p> <p>5 Q. A single degree but a double</p> <p>6 major?</p> <p>7 A. It's two degrees, but one of them</p> <p>8 has a double major, yes.</p> <p>9 Q. Okay.</p> <p>10 And your second degree is in</p> <p>11 urban studies, right?</p> <p>12 A. My second bachelor's, yes.</p> <p>13 Q. Your second bachelor's degree.</p> <p>14 How did you go about deciding to</p> <p>15 major in those particular subjects? Or I</p> <p>16 should say, why did you choose to focus on</p> <p>17 any of those majors?</p> <p>18 A. Originally I had intended to go</p> <p>19 to law school, and my father told me to take</p> <p>20 political science if I wanted to go to law</p> <p>21 school, so I started that; ended up taking</p> <p>22 some urban studies courses to satisfy other</p> <p>23 requirements and really fell in love with</p> <p>24 that discipline. I saw that as being more</p> <p>25 proactive, and the law being more reactive.</p>	<p style="text-align: right;">Page 69</p> <p>1 Why?</p> <p>2 A. Only because I forgot for a</p> <p>3 second that I haven't taken my finals yet, so</p> <p>4 I couldn't remember if I was between</p> <p>5 semesters. I haven't enrolled for spring</p> <p>6 yet.</p> <p>7 Q. This resume says that your</p> <p>8 anticipated completion of your juris</p> <p>9 doctorate degree would be 2018.</p> <p>10 A. That's correct. I got</p> <p>11 sidetracked by a family health issue.</p> <p>12 Q. How far along are you in that</p> <p>13 program?</p> <p>14 A. I'm about two years in.</p> <p>15 Q. But I thought I heard you earlier</p> <p>16 say that your new estimated or anticipation</p> <p>17 graduation date -- did you say 2020?</p> <p>18 A. You're given seven years from the</p> <p>19 date you enroll to finish. I have an ongoing</p> <p>20 family health issue, so I anticipate taking</p> <p>21 the very slow road.</p> <p>22 Q. Why did you choose to enroll in</p> <p>23 law school?</p> <p>24 A. It was something that I had</p> <p>25 always wanted to do. That was my initial</p>

<p style="text-align: right;">Page 70</p> <p>1 plan. And at the time, the time was right</p> <p>2 for me to do it.</p> <p>3 Q. Do you expect to practice law?</p> <p>4 A. No, I don't.</p> <p>5 Q. Do you expect to apply your juris</p> <p>6 doctorate degree to your professional life?</p> <p>7 A. I do. I think there's some</p> <p>8 overlap. The county is an arm of the state.</p> <p>9 We are bound -- almost everything we do is</p> <p>10 dictated by the Ohio Revised Code and now the</p> <p>11 county code.</p> <p>12 I don't think you all are local,</p> <p>13 but you know we have a different charter</p> <p>14 form of government in Cuyahoga County, and</p> <p>15 very much of this budget ties back to the</p> <p>16 Ohio Revised Code.</p> <p>17 I had no idea when I took the</p> <p>18 job how often I would be reading the Ohio</p> <p>19 Revised Code.</p> <p>20 Q. So your expectation is you'll</p> <p>21 continue along the same professional path</p> <p>22 you're on now, with the advantage of legal</p> <p>23 training, but you're not expecting to have a</p> <p>24 shift in the trajectory of your career.</p> <p>25 Is that a fair summary?</p>	<p style="text-align: right;">Page 72</p> <p>1 buildings and pollution with them. And</p> <p>2 people are reluctant to take on these</p> <p>3 properties because they don't want the</p> <p>4 liability associated with whatever may be</p> <p>5 underground.</p> <p>6 So as a non-profit, we were able</p> <p>7 to secure grants and loans from mostly</p> <p>8 government sources to redevelop properties.</p> <p>9 Q. Do you have a degree in finance?</p> <p>10 A. I do not.</p> <p>11 Q. Do you have a degree in</p> <p>12 accounting?</p> <p>13 A. I do not.</p> <p>14 Q. It looks like you also</p> <p>15 volunteered at the Free Medical Clinic of</p> <p>16 Greater Cleveland --</p> <p>17 A. I did.</p> <p>18 Q. -- during that time; is that</p> <p>19 right?</p> <p>20 A. That's correct.</p> <p>21 Q. It says that you developed and</p> <p>22 implemented a patient assistance program.</p> <p>23 A. That's correct.</p> <p>24 Q. What is that?</p> <p>25 A. So at this time, back in 2000 --</p>
<p style="text-align: right;">Page 71</p> <p>1 A. That's correct.</p> <p>2 Q. You started out of college, it</p> <p>3 looks like, at an organization called the</p> <p>4 Second Growth Institute?</p> <p>5 A. That's correct.</p> <p>6 Q. Was that your first job after</p> <p>7 graduation?</p> <p>8 A. My first professional job. I did</p> <p>9 a lot of waiting tables.</p> <p>10 Q. Yes. I did some of that myself.</p> <p>11 What is the Second Growth</p> <p>12 Institute?</p> <p>13 A. Second Growth was a non-profit</p> <p>14 organization that operated in the Collingwood</p> <p>15 neighborhood, which is a neighborhood in the</p> <p>16 city of Cleveland on the eastern border,</p> <p>17 toward the city of Euclid, and we were</p> <p>18 engaged in Brownfield Redevelopment.</p> <p>19 Q. What is Brownfield Redevelopment?</p> <p>20 A. So taking old Brownfield</p> <p>21 properties that had been laying dormant in</p> <p>22 these neighborhoods -- Collinwood</p> <p>23 specifically has a very rich history in</p> <p>24 manufacturing going back decades. But when</p> <p>25 the industries left, they did not take their</p>	<p style="text-align: right;">Page 73</p> <p>1 well, the Free Clinic, as the name suggests,</p> <p>2 provides free medical care. It's no longer</p> <p>3 operating in the same way, but they provide</p> <p>4 free medical care, mental healthcare, to</p> <p>5 individuals who are uninsured or</p> <p>6 underinsured.</p> <p>7 The majority of the patients in</p> <p>8 the mental health department, which is where</p> <p>9 I worked, were on prescription medications.</p> <p>10 They can't afford their prescription</p> <p>11 medications. We relied on donations.</p> <p>12 Back then it was a little easier</p> <p>13 to get donations. The volunteer doctors</p> <p>14 would bring in stuff from their practice.</p> <p>15 We got donations from pharmaceutical</p> <p>16 companies.</p> <p>17 And back then, most of the</p> <p>18 pharmaceutical companies had patient</p> <p>19 assistance programs, but they're difficult</p> <p>20 for our patients to stay on top of and</p> <p>21 manage. So we had developed a program at</p> <p>22 the Free Clinic.</p> <p>23 We had a dedicated volunteer,</p> <p>24 that was eventually a grant-funded position,</p> <p>25 to help the patients stay on top of the</p>

<p style="text-align: right;">Page 74</p> <p>1 patient assistance program so that they</p> <p>2 weren't remembering two months after their</p> <p>3 medication ran out that they needed to</p> <p>4 re-up.</p> <p>5 There's a lot of paperwork</p> <p>6 associated with those pharmaceutical</p> <p>7 programs and, you know, we're dealing with a</p> <p>8 population that had special needs.</p> <p>9 Q. Did the clinic have healthcare</p> <p>10 providers who were authorized to prescribe</p> <p>11 medications to patients?</p> <p>12 A. The free clinic?</p> <p>13 Q. Yes.</p> <p>14 A. Yes, they did.</p> <p>15 Q. And you indicated that some</p> <p>16 healthcare providers would bring things from</p> <p>17 their own practice into the clinic.</p> <p>18 Did you mean prescription</p> <p>19 medications?</p> <p>20 A. So the -- some of the doctors</p> <p>21 received samples -- it's always samples. So</p> <p>22 the doctors, some from the clinic, University</p> <p>23 Hospitals, the largest systems would get</p> <p>24 samples and bring them to our patients.</p> <p>25 Q. Do you know if the healthcare</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. On-the-job training?</p> <p>3 A. That's correct.</p> <p>4 Q. But I'm asking if you have</p> <p>5 received any specialized training</p> <p>6 certification programs, academic training in</p> <p>7 those areas?</p> <p>8 A. No, I have not.</p> <p>9 Q. So what you know about finance</p> <p>10 and accounting really comes from the</p> <p>11 experience you've gained on the job; is that</p> <p>12 fair?</p> <p>13 A. The majority of it, yes.</p> <p>14 Q. But when you say "the majority of</p> <p>15 it," it seems that you're carving out a</p> <p>16 caveat. So tell us about that.</p> <p>17 A. Well, I go to conferences. I</p> <p>18 stay current with best practices. The County</p> <p>19 is members of associations where -- I'm a</p> <p>20 member of the Government Finance Officers</p> <p>21 Association, so I don't restrict my knowledge</p> <p>22 to what I'm being told every day at work.</p> <p>23 Q. What conferences do you attend in</p> <p>24 your professional capacity?</p> <p>25 A. I can't name all the conferences</p>
<p style="text-align: right;">Page 75</p> <p>1 providers at the Free Medical Clinic of</p> <p>2 Greater Cleveland prescribed opioid</p> <p>3 medications to patients?</p> <p>4 A. I don't know. I was only in</p> <p>5 mental health.</p> <p>6 Q. All right. Flipping back to the</p> <p>7 first page -- we're kind of working our way</p> <p>8 chronologically up your resume -- there's a</p> <p>9 reference to the Neighborhood Centers</p> <p>10 Association?</p> <p>11 A. Yes.</p> <p>12 Q. Did you have financial oversight</p> <p>13 for the Neighborhood Centers Association?</p> <p>14 A. I did.</p> <p>15 Q. You indicated you don't have any</p> <p>16 degrees in finance or accounting, right?</p> <p>17 A. That's correct.</p> <p>18 Q. Do you have any specialized</p> <p>19 training in either of those subjects, finance</p> <p>20 or accounting?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I have more than a</p> <p>23 decade of experience working in finance</p> <p>24 and budget.</p> <p>25</p>	<p style="text-align: right;">Page 77</p> <p>1 I've attended, but I know I do attend</p> <p>2 Government Finance Officers Association's</p> <p>3 trainings.</p> <p>4 Q. Are there other kinds of</p> <p>5 conferences that stand out as the ones you</p> <p>6 most commonly attend?</p> <p>7 A. No.</p> <p>8 Q. At some point you went back to</p> <p>9 school to get a master's of public</p> <p>10 administration; is that right?</p> <p>11 A. That's correct.</p> <p>12 Q. And you received that degree also</p> <p>13 at Cleveland State University?</p> <p>14 A. That's correct.</p> <p>15 Q. Did you study for that degree</p> <p>16 while you were continuing to work or did you</p> <p>17 go back to school full time?</p> <p>18 A. No. I did both.</p> <p>19 Q. And was that while you were at</p> <p>20 the Neighborhood Centers Association? Or had</p> <p>21 you gone to work for Cuyahoga County?</p> <p>22 A. I believe I was at -- yes. I was</p> <p>23 taking classes while I was at the</p> <p>24 Neighborhood Centers Association.</p> <p>25 Q. It looks like you got your MPA in</p>

<p style="text-align: right;">Page 78</p> <p>1 2007, right?</p> <p>2 A. That's correct.</p> <p>3 Q. And you started at the county in</p> <p>4 2006?</p> <p>5 A. That's correct.</p> <p>6 Q. So do I understand it correctly</p> <p>7 in terms of the timeline that you started</p> <p>8 your MPA program while you were at the</p> <p>9 Neighborhood Centers Association and you</p> <p>10 finished and completed that degree after you</p> <p>11 had already joined Cuyahoga County?</p> <p>12 A. That's correct.</p> <p>13 Q. It looks like the first position</p> <p>14 you took with Cuyahoga County was as a Health</p> <p>15 and Human Services budget management analyst,</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. Can you describe for us what that</p> <p>19 is?</p> <p>20 A. That's a position within the</p> <p>21 Office of Budget Management. At the time we</p> <p>22 had six agents. We currently have seven.</p> <p>23 Analysts are assigned agencies, so all the</p> <p>24 county agencies and departments are</p> <p>25 distributed among the analysts.</p>	<p style="text-align: right;">Page 80</p> <p>1 agencies fell in one of those three.</p> <p>2 I have since shuffled a bit. So</p> <p>3 all of the analysts had agencies from all of</p> <p>4 those different sectors.</p> <p>5 I don't think it's in our best</p> <p>6 interests to have somebody who only knows</p> <p>7 Health and Human Services, for example. I</p> <p>8 want people who have a working knowledge of</p> <p>9 all facets of government.</p> <p>10 Q. Back in those days, when you were</p> <p>11 more siloed in the Health and Human Services</p> <p>12 area, what divisions, departments, and</p> <p>13 programs fell into that particular bucket?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: So this will not be</p> <p>16 an exhaustive list, because that was</p> <p>17 many years ago. But at the time, the</p> <p>18 Department of Health and Human Services</p> <p>19 was broken up.</p> <p>20 So the Department of -- it was</p> <p>21 called Employment and Family Services</p> <p>22 back then. It's now Job and Family</p> <p>23 Services; the Department of</p> <p>24 Children and Family Services -- again,</p> <p>25 at the time it was called the Child</p>
<p style="text-align: right;">Page 79</p> <p>1 Analysts are responsible for</p> <p>2 preparing annual budgets, preparing</p> <p>3 forecasts, doing ad hoc and as-needed</p> <p>4 financial analyses, making recommendations</p> <p>5 when the agencies request additional</p> <p>6 funding, making recommendations on if we</p> <p>7 have to do budget cuts, whether it's a</p> <p>8 viable cut.</p> <p>9 Analysts also are expected to</p> <p>10 have, you know, a working understanding of</p> <p>11 the operations and programs and services</p> <p>12 that are offered by the agencies, staying up</p> <p>13 to date with best practices, benchmarking.</p> <p>14 We do -- the Office of Budget</p> <p>15 Management tracks performance, so the</p> <p>16 analyst will also track performance</p> <p>17 measures.</p> <p>18 Q. The Health and Human Services</p> <p>19 budget management analyst position is</p> <p>20 something that still exists within the Office</p> <p>21 of Budget Management?</p> <p>22 A. It's not. At the time the office</p> <p>23 was split into three sectors. We had Health</p> <p>24 and Human Services, general government, and</p> <p>25 then Legal and Judicial. And all the</p>	<p style="text-align: right;">Page 81</p> <p>1 Support Enforcement Agency. It's now</p> <p>2 The Office of Child Support Services;</p> <p>3 the Fatherhood Program; the ADAMHS</p> <p>4 Board, which -- again, sorry, but at</p> <p>5 the time it was the Mental Health Board</p> <p>6 and the Drug -- the Alcohol and Drug</p> <p>7 Addiction Services Board; the Family</p> <p>8 and Children First Council; Office of</p> <p>9 Early Childhood; Office of Homeless</p> <p>10 Services; Office of Reentry -- I may be</p> <p>11 forgetting some, but those are the --</p> <p>12 senior adult services, Office of</p> <p>13 Senior -- Department of Senior and</p> <p>14 Adult Services.</p> <p>15 Those are the big ones.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Great. And then in 2018, you</p> <p>18 took on a new role, correct?</p> <p>19 A. I did.</p> <p>20 Q. Your resume says that you became</p> <p>21 a senior budget management analyst.</p> <p>22 A. That's correct.</p> <p>23 Q. Was that also within the Health</p> <p>24 and Human Services area or did you move to a</p> <p>25 different group?</p>

<p style="text-align: right;">Page 82</p> <p>1 A. I moved. So I moved to the</p> <p>2 Legal/Judicial.</p> <p>3 Q. What are the divisions,</p> <p>4 departments, and programs under the Legal and</p> <p>5 Judicial area?</p> <p>6 A. So, again, not an exhaustive</p> <p>7 list, but it's the county's four courts:</p> <p>8 Common Pleas Court, Juvenile Court, Probate</p> <p>9 Court, Domestic Relations Court.</p> <p>10 Cuyahoga County -- the Eighth</p> <p>11 District State Court of Appeals has single</p> <p>12 jurisdiction in Cuyahoga County, so we have</p> <p>13 the state appellate court, the prosecutor's</p> <p>14 office, public defender's office,</p> <p>15 Medical Examiner's office, the sheriff --</p> <p>16 which in Cuyahoga County, that includes the</p> <p>17 jail -- municipal courts, so the county does</p> <p>18 have to pay a portion of expenses in the</p> <p>19 municipal courts, the law library.</p> <p>20 And I may be forgetting one,</p> <p>21 but, again, those are the big ones.</p> <p>22 Q. When you became a senior budget</p> <p>23 management analyst in the Legal and Judicial</p> <p>24 Group, did you then have people who were</p> <p>25 reporting up to you?</p>	<p style="text-align: right;">Page 84</p> <p>1 officials to make informed decisions.</p> <p>2 The Office of Budget</p> <p>3 Management -- we do make some decisions, but</p> <p>4 by and large, we're making recommendations.</p> <p>5 Usually our recommendations are accepted.</p> <p>6 Not always, of course. But we provide</p> <p>7 financial analyses. We provide policy</p> <p>8 analysis. We provide legislative analysis.</p> <p>9 So also part of what we do is we</p> <p>10 monitor activity, predominantly in the state</p> <p>11 house, but also at the federal level, and</p> <p>12 then do analyses on how that's going to</p> <p>13 impact the county budget and/or county</p> <p>14 operations.</p> <p>15 So we really try to make sure</p> <p>16 that these elected officials -- they're not</p> <p>17 making decisions based on lack of</p> <p>18 information.</p> <p>19 Q. You're trying to inform the</p> <p>20 county executive, who has the ultimate</p> <p>21 authority to make the decisions at issue; is</p> <p>22 that right?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: Yes. But I will</p> <p>25 just point out that under the charter</p>
<p style="text-align: right;">Page 83</p> <p>1 A. I had two analysts that reported</p> <p>2 to me.</p> <p>3 Q. Did you stay in the Legal and</p> <p>4 Judicial position until 2013?</p> <p>5 A. Yes.</p> <p>6 Q. And then in 2013, did you take a</p> <p>7 new position?</p> <p>8 A. I did not take a new employment</p> <p>9 position in 2013, but I was participating in</p> <p>10 a fellowship.</p> <p>11 Q. Okay. All right. Well, we'll</p> <p>12 turn to your fellowship in just a minute.</p> <p>13 Your resume, in describing your</p> <p>14 role as a senior budget management analyst,</p> <p>15 indicates that you provided decision support</p> <p>16 to the county executive.</p> <p>17 A. Uh-huh.</p> <p>18 Q. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. When you say "decision support to</p> <p>21 the county executive," what do you mean by</p> <p>22 that?</p> <p>23 A. So when we refer to decision</p> <p>24 support, what we mean is providing the</p> <p>25 information necessary for the elected</p>	<p style="text-align: right;">Page 85</p> <p>1 form of government, it's the county--</p> <p>2 the county executive does have</p> <p>3 management authority, but it is the</p> <p>4 county council that has budget</p> <p>5 authority.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Okay.</p> <p>8 A. And legislative authority.</p> <p>9 Q. So for a time it would have been</p> <p>10 the county executive. Now, because the</p> <p>11 charter, the form of the Cuyahoga County</p> <p>12 government changed after the corruption</p> <p>13 scandal, there's a new form and it goes</p> <p>14 through the county council; is that right?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. Help me out.</p> <p>19 A. I'm sorry. So pre-charter we had</p> <p>20 three commissioners. 86 counties in Ohio of</p> <p>21 the 88 have three-commissioner form of</p> <p>22 government. That's what we had as well.</p> <p>23 Post charter, we have an executive and a</p> <p>24 council.</p> <p>25 Q. Understood. And is the Office of</p>

<p style="text-align: right;">Page 86</p> <p>1 Budget Management providing decision support</p> <p>2 to both the county executive and the county</p> <p>3 council?</p> <p>4 A. Yes.</p> <p>5 Q. And is that because the county</p> <p>6 executive and the county council are the</p> <p>7 individuals and groups who actually have the</p> <p>8 ultimate authority in terms of budgeting?</p> <p>9 A. That's correct.</p> <p>10 Q. And it is the county executive</p> <p>11 and the county council who set the financial</p> <p>12 and budgeting priorities for the county;</p> <p>13 fair?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. Go ahead.</p> <p>17 A. I would just say the county</p> <p>18 council has the ultimate authority over the</p> <p>19 budget, but the county executive does make</p> <p>20 recommendations.</p> <p>21 Q. Right. My question had to do</p> <p>22 with setting priorities.</p> <p>23 Is it correct that the county</p> <p>24 executive and the county council are the</p> <p>25 individuals and groups who have the</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I do.</p> <p>2 Q. What are you referring to there?</p> <p>3 A. So the county has policies and</p> <p>4 procedures -- excuse me -- that dictate --</p> <p>5 they range from how the budget processes is</p> <p>6 set up, accounting principles, how we make</p> <p>7 determinations if agencies will ask for</p> <p>8 funding, all of that, our debt, that's all</p> <p>9 financial policies.</p> <p>10 Q. To what extent are you, as the</p> <p>11 director of the Office of Budget Management,</p> <p>12 able to apply and implement your own policy</p> <p>13 preferences in terms of the budgeting</p> <p>14 decision-making process?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: Do you mean in</p> <p>17 terms of what gets funded ultimately or</p> <p>18 the process itself?</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. Any part of the process.</p> <p>21 MR. BADALA: Same objection.</p> <p>22 THE WITNESS: That really varies.</p> <p>23 As the director, I have unlimited</p> <p>24 authority to make recommendations on the</p> <p>25 process and what gets funded, but,</p>
<p style="text-align: right;">Page 87</p> <p>1 authority to set financial priorities that</p> <p>2 then the budgeting process attempts to</p> <p>3 follow? Is that correct?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: It is, and I</p> <p>6 don't -- but I don't mean to split</p> <p>7 hairs, but the county executive will set</p> <p>8 priorities. Whether he is given the</p> <p>9 authority to implement those priorities</p> <p>10 really does ultimately fall on the</p> <p>11 council.</p> <p>12 Because if his priority, for</p> <p>13 example, is a million dollars for</p> <p>14 whatever and the council says no, we're</p> <p>15 not giving it, then obviously his</p> <p>16 priorities may change. But for the</p> <p>17 most part, they do work in concert with</p> <p>18 one another.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. You indicate in the fourth bullet</p> <p>21 down under your senior budget management</p> <p>22 analyst section that you assisted in the</p> <p>23 development of the county's financial</p> <p>24 policies and procedures.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 89</p> <p>1 again, my recommendations are not always</p> <p>2 adhered to.</p> <p>3 Generally, on process, my</p> <p>4 recommendations are adhered to, because</p> <p>5 that's less political. That's less --</p> <p>6 you know, that's more form over</p> <p>7 substance.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. Do you apply your own policy</p> <p>10 preferences in making recommendations to the</p> <p>11 county council, the county executive, and</p> <p>12 others, as it concerns the budgeting process?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: I apply data. So</p> <p>15 to the -- I mean, to the extent that</p> <p>16 those line up with my personal policy</p> <p>17 choices, that's great. But I have -- I</p> <p>18 have made recommendations in the past to</p> <p>19 cut funding to programs that I want to</p> <p>20 believe in from a social and policy</p> <p>21 standpoint, but if the data shows that</p> <p>22 they are not effective, what can I do?</p> <p>23 We also, as I said before, the</p> <p>24 county is -- so much of what we do is</p> <p>25 mandated by the state and the federal</p>

<p style="text-align: right;">Page 90</p> <p>1 government. And so we have limited 2 resources. We don't print money in the 3 basement, unfortunately. And very 4 often you have to prioritize your 5 mandates. 6 I mean, I believe in all of our 7 mandates. That's why I work here. But 8 there are any number of discretionary 9 programs that I wish we could fund, 10 that I would love to recommend that we 11 fund, that I think would be effective, 12 but if we don't have the money, we 13 don't have the money. And I have to 14 make decisions, keeping in mind the 15 ability to carry out those decisions. 16 BY MR. BOEHM: 17 Q. When you talk about so much of 18 what you do being mandated by state and 19 federal governments, are you talking about 20 the expenditures that the county makes are 21 mandated by the state and federal government? 22 A. Some of them are, yes. Well, 23 yes, directly and indirectly. So the 24 state -- we do have areas of the government 25 where we are required to contribute specific</p>	<p style="text-align: right;">Page 92</p> <p>1 opposed to the discretionary type of 2 expenditure that you referred to? 3 A. I can't give you a percentage off 4 the top of my head, but the majority. So 5 definitely more than 50 percent are mandated. 6 Q. And when we talk about mandated, 7 for those people who may not be super 8 familiar with the financials of local 9 government, can you describe what it means to 10 say that an expenditure is mandated? 11 A. Absolutely. 12 So assigned counsel -- public 13 defender's office is a good example. 14 Everyone has the right to counsel if they 15 come through the criminal courts. And the 16 county -- the public defender in Ohio is 17 locally administered. So we have a county 18 public defender's office. They cost about 19 \$12 million a year. 20 In Cuayahoga Common Pleas Court, 21 you get a public defender or an assigned 22 private attorney. The private attorneys 23 actually take the majority of the cases, 24 about 70 percent, but they cost almost 25 \$7 million a year. Those are mandated</p>
<p style="text-align: right;">Page 91</p> <p>1 dollar amounts. 2 For example, in the Department 3 of Health and Human Services, the county 4 receives an allocation from Temporary 5 Assistance to Needy Families, TANF, if 6 anyone is familiar with that. The county 7 has to commit what's called a mandated 8 share, and that's \$7.4 million a year. So 9 we are mandated, if we want to draw down 10 those TANF dollars, which could be over \$40 11 million, we are going to commit that 12 7.4 million. 13 And then indirectly in terms of 14 the state and/or federal government will 15 dictate what we have to do and how we have 16 to do it. So, for example, we get a call 17 about a suspected abuse of a child, we must 18 go out and investigate. If the claim is 19 substantiated, we must either provide 20 services to that family in the home, or in 21 the most extreme, take the child home. 22 Everything we do, unfortunately, 23 it affects the budget. 24 Q. How much of Cuyahoga County's 25 expenditures are mandated expenditures as</p>	<p style="text-align: right;">Page 93</p> <p>1 expenses. 2 And the -- I'm looking at the 3 Justice Center. That in there is a mandated 4 expense, everything. That's the Court of 5 Common Pleas, the prosecutor's office, the 6 jail. 7 We are bound by the law to -- 8 despite what you're reading in the papers -- 9 perform certain services in those jails. 10 Those inmates are entitled to medical care. 11 They are entitled to three meals a day. 12 That costs money. That's a mandated 13 expense. Their meals cost \$1.7 million a 14 year. Their medical care is more than 15 \$10 million a year. 16 Q. To sum it up, when you talk about 17 mandated expenditures, those are funds that 18 have to be spent for a particular purpose. 19 The county cannot take the money and choose 20 to spend it in some other way. Is that a 21 fair summary? 22 A. There are mandated expenses and 23 then there are restricted funds, and I don't 24 want to get into the weeds with restricted 25 funds. And so, yes, the -- not appointed</p>

<p style="text-align: right;">Page 94</p> <p>1 then, but the prosecutor's office is largely 2 supported by the County's General Revenue 3 Fund. 4 Had we unlimited resources, that 5 fund the county is permitted to spend in any 6 way it wants, as long as it's legal, of 7 course. But if they wanted to build a new 8 football stadium, General Revenue Fund -- 9 hope they don't, but they could. 10 Restricted funds are restricted 11 by law. So that's why I'm saying, I never 12 knew how much I would be reading the Ohio 13 Revised Code, but I have got 50 funds in my 14 budget, probably more, that have a specific 15 section of the Ohio Revised Code that says, 16 "You will collect this money for this 17 purpose and only this purpose." 18 Q. And when you say "collect it for 19 the purpose," meaning here's the money, and 20 here's how you have to spend it? 21 A. That's correct. 22 Q. And you indicated that -- 23 something about despite what we read in the 24 paper, you have to spend money in the 25 Department of Corrections. What did you mean</p>	<p style="text-align: right;">Page 96</p> <p>1 report that inmates weren't being seen 2 by the doctors within a certain period 3 of time. So they are supposed to 4 receive an assessment -- I don't 5 remember offhand, within a certain 6 number of days. Well, they get an 7 immediate assessment when they come in, 8 but after that they're supposed to have 9 a follow-up. 10 There's an allegation in the 11 report that people weren't getting 12 their followups immediately. That is 13 likely going to result in the county 14 hiring additional medical personnel, 15 perhaps additional corrections 16 officers, so that we can make sure 17 these inmates get seen. 18 When you move people in the jail 19 out of their cells, two corrections 20 officers are usually going with them, 21 even if it's one guy. That costs 22 money. I mean, every movement costs 23 money. 24 And I think the county -- I hope 25 the county is going to respond to those</p>
<p style="text-align: right;">Page 95</p> <p>1 by that? What's in the paper that you had in 2 mind? 3 A. The jail has recently received 4 a -- not a good report from the US Marshal's 5 Service -- office, whatever they're called. 6 Q. And does that have anything to do 7 with spending and budgeting decisions here in 8 Cuyahoga County? 9 A. I believe that's going to have a 10 big impact on our budget, yes. 11 Q. And how so? 12 A. We have to make a number of 13 changes in the jail in response to that 14 report. 15 Q. For those of us who have not 16 fully read that report, what's the main 17 point? 18 MR. BADALA: Objection to form. 19 BY MR. BOEHM: 20 Q. And how is that going to impact 21 spending here in the county? 22 MR. BADALA: Objection to form. 23 THE WITNESS: Everything impacts 24 spending in the county. 25 There are allegations in the</p>	<p style="text-align: right;">Page 97</p> <p>1 allegations. And that's going to cost 2 money. 3 BY MR. BOEHM: 4 Q. Okay. 5 You indicated that sometime 6 around 2013 or 2014, you went to this 7 program -- I think it was a visiting 8 professionals program? 9 A. That's correct. 10 Q. And was that at the international 11 criminal court? 12 A. It was. 13 Q. And what did you do there? 14 A. I was in their budget office. I 15 didn't do a lot there. It wasn't as exciting 16 as I thought it would be. I wasn't really 17 assigned any tasks, so I did a lot of reading 18 and checking my email. 19 Q. How long were you there? 20 A. I was there for -- I was at the 21 court for about a month -- for a month. 22 Q. Oh, just for one month? 23 A. For one month. I was in Europe 24 for two months. 25 Q. And when was that? Was that in</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 2013?</p> <p>2 A. That was in -- I left in</p> <p>3 September of 2013.</p> <p>4 Q. Okay.</p> <p>5 And you spent a month or two</p> <p>6 over in Europe. And then what did you do</p> <p>7 after you got back?</p> <p>8 A. I enrolled in law school. I came</p> <p>9 home. I was looking for a job. I enrolled</p> <p>10 in law school and got a job with the Shaker</p> <p>11 Heights Public Library.</p> <p>12 Q. What did you do with the Shaker</p> <p>13 Heights Public Library?</p> <p>14 A. I was the fiscal officer and</p> <p>15 business manager.</p> <p>16 Q. How long were you in that</p> <p>17 position?</p> <p>18 A. A little less than a year.</p> <p>19 Q. So that takes us into 2014?</p> <p>20 A. That takes us into 2015, when I</p> <p>21 came back to the county.</p> <p>22 Q. You came back to the county in</p> <p>23 2015 in what capacity?</p> <p>24 A. As the director of the Office of</p> <p>25 Budget Management.</p>	<p style="text-align: right;">Page 100</p> <p>1 Management, correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Do you know Mr. Murray?</p> <p>4 A. He was my first supervisor when I</p> <p>5 was hired.</p> <p>6 Q. Do you have an updated CV or</p> <p>7 resume?</p> <p>8 A. I have one that's more updated</p> <p>9 than this. I don't know that it's current,</p> <p>10 but I believe it is.</p> <p>11 Q. Is it fair to say that you take</p> <p>12 your responsibilities as the director of the</p> <p>13 Office of Budget Management seriously?</p> <p>14 A. Yes, it is.</p> <p>15 Q. Do you agree that you have a duty</p> <p>16 to the people of the county?</p> <p>17 A. Yes.</p> <p>18 Q. And what do you believe that duty</p> <p>19 is?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: To ensure that the</p> <p>22 county dollars are spent appropriately,</p> <p>23 efficiently, effectively, to make sure</p> <p>24 that we're getting -- that we're</p> <p>25 satisfying our mandates, that we're</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Did you apply for the position?</p> <p>2 A. I did.</p> <p>3 Q. Had anybody reached out to you</p> <p>4 and asked you to apply or did you just see</p> <p>5 the opening and apply on your own?</p> <p>6 A. I saw the opening. I had talked</p> <p>7 to a few people that I had worked with before</p> <p>8 just to see, you know, if the office had</p> <p>9 changed at all, and we had a new -- when I</p> <p>10 left, it was Ed Fitzgerald who was the county</p> <p>11 administrator. And when I came back, it was</p> <p>12 Armond Budish, so I tried to scope him out a</p> <p>13 bit.</p> <p>14 Q. You decided you want to apply?</p> <p>15 A. I did.</p> <p>16 Q. And did you interview for the</p> <p>17 position?</p> <p>18 A. I did.</p> <p>19 Q. Who did you interview with?</p> <p>20 A. Dennis Kennedy.</p> <p>21 Q. Did you already know Mr. Kennedy?</p> <p>22 A. I did not.</p> <p>23 Q. You probably know that</p> <p>24 Christopher Murray had been the acting or</p> <p>25 interim director of the Office of Budget</p>	<p style="text-align: right;">Page 101</p> <p>1 doing what we can to help people.</p> <p>2 The county -- the county's</p> <p>3 clientele, with the exception perhaps</p> <p>4 of the board of elections, are all</p> <p>5 having a bad day. They're coming in to</p> <p>6 pay taxes, which means we're separating</p> <p>7 them from their money. We've taken</p> <p>8 their children from them. We're</p> <p>9 performing autopsies on their family</p> <p>10 members. They're in our jail.</p> <p>11 People don't want to interact</p> <p>12 with the county. And I do believe it's</p> <p>13 part of my responsibility to ensure</p> <p>14 that, A, that interaction is humane,</p> <p>15 morally correct, and that we are not</p> <p>16 abusing our discretion on how we</p> <p>17 allocate the dollars that these people</p> <p>18 give us.</p> <p>19 I am paid for by tax dollars</p> <p>20 that could have been spent on any</p> <p>21 number of other things. I am worth two</p> <p>22 social workers, maybe three, in the</p> <p>23 Department of Children and Family</p> <p>24 Services. Each one manages a caseload</p> <p>25 of at least 20 families. And our</p>

<p style="text-align: right;">Page 102</p> <p>1 number of kids in care has skyrocketed.</p> <p>2 I know that we could be spending</p> <p>3 my dollars for my own salary on</p> <p>4 something extremely important.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Do you agree that it is one of</p> <p>7 your responsibilities and duties to ensure</p> <p>8 that funds are carefully accounted for?</p> <p>9 A. Yes, I do.</p> <p>10 Q. I'm sorry. Go ahead. I didn't</p> <p>11 know you were still going.</p> <p>12 A. No. I'm sorry. I will just --</p> <p>13 the fiscal office has a separate financial</p> <p>14 reporting. So, you know, accounting is not</p> <p>15 my direct responsibility, but as part of</p> <p>16 our -- "our," meaning OBM -- job is to</p> <p>17 monitor spending and, yes, to the greatest</p> <p>18 extent possible, make sure that it's being</p> <p>19 appropriately accounted for.</p> <p>20 Q. Are you aware of any instances</p> <p>21 where, in your view, public funds here in</p> <p>22 Cuyahoga County have not been carefully or</p> <p>23 appropriately accounted for?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: Am I allowed to ask</p>	<p style="text-align: right;">Page 104</p> <p>1 Department of Information and Technology.</p> <p>2 Q. Okay.</p> <p>3 And what funds the Department of</p> <p>4 Information and Technology? In other words,</p> <p>5 what are the sources of revenue for that</p> <p>6 department?</p> <p>7 A. They have multiple sources of</p> <p>8 revenue. They are about 17 million from the</p> <p>9 General Fund. They receive some funding from</p> <p>10 the health -- we have two voted levies for</p> <p>11 Health and Human Services. And that's for</p> <p>12 the IT staff that work directly in the</p> <p>13 Department of Health and Human Services. And</p> <p>14 they also receive funds from our Real Estate</p> <p>15 Assessment Fund, which is property taxes.</p> <p>16 Q. And what is the nature of the</p> <p>17 questions that are being raised about</p> <p>18 expenditures in that Division of Information</p> <p>19 Technology?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: There are questions</p> <p>22 that the expenditure did not go through</p> <p>23 the proper approval path.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. What do you mean by that?</p>
<p style="text-align: right;">Page 103</p> <p>1 you a question?</p> <p>2 MR. BADALA: No. You have to --</p> <p>3 MR. BOEHM: No. There's a</p> <p>4 question pending to you.</p> <p>5 MR. BADALA: The only thing I'll</p> <p>6 tell you, a conversation with an</p> <p>7 attorney or something like that you</p> <p>8 would not be able to disclose.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. I'm not asking about any</p> <p>11 conversations with any lawyers.</p> <p>12 I'm asking you, Ms. Keenan,</p> <p>13 director of the Office of Budget Management,</p> <p>14 if you are aware of any instances where</p> <p>15 public funds in Cuyahoga County have not</p> <p>16 been carefully or appropriately accounted</p> <p>17 for.</p> <p>18 MR. BADALA: And my objection to</p> <p>19 form.</p> <p>20 THE WITNESS: I am aware of</p> <p>21 instances where the expenditure of funds</p> <p>22 is being questioned.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. And what are those instances?</p> <p>25 A. Spending on contracts in the</p>	<p style="text-align: right;">Page 105</p> <p>1 A. So when you -- we procure</p> <p>2 anything in the county, there is, of course,</p> <p>3 a quite laborious process. You need to get</p> <p>4 certain approvals. OBM is one of those</p> <p>5 approvals. Law is an approval. They have to</p> <p>6 hit each cue. And there are some contracts</p> <p>7 that did not hit all cues.</p> <p>8 Q. Which cues didn't they hit?</p> <p>9 A. One didn't hit any cue. And</p> <p>10 there's at least one that did not hit budget.</p> <p>11 Q. When you say "did not hit</p> <p>12 budget," you mean didn't go through the</p> <p>13 Office of Budget Management?</p> <p>14 A. That's correct.</p> <p>15 Q. And when you say it didn't hit</p> <p>16 any cues, you mean there was some kind of</p> <p>17 direct payment out of Cuyahoga County dollars</p> <p>18 that went to a contractor without any review?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: That's being</p> <p>21 questioned.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Who is being questioned?</p> <p>24 A. Two administrators in the</p> <p>25 Department of Information and Technology.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. And did you indicate that one</p> <p>2 source of funds for the Department of</p> <p>3 Information and Technology is the HHS levy</p> <p>4 fund?</p> <p>5 A. That's correct.</p> <p>6 Q. Are there any other instances</p> <p>7 that you're aware of, as the director of the</p> <p>8 Office of Budget Management, where public</p> <p>9 dollars have not been appropriately accounted</p> <p>10 for?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Is it fair to say that your job</p> <p>15 requires that you understand the details of</p> <p>16 the budgets that are reviewed by your office</p> <p>17 and then ultimately approved by the county</p> <p>18 council?</p> <p>19 A. I'm not expected to know all of</p> <p>20 the details. I do know a lot of them for</p> <p>21 most agencies, but I have seven extremely</p> <p>22 bright analysts that work with me that know</p> <p>23 most of the details.</p> <p>24 Q. Fair to say that, as the</p> <p>25 director, it's important for you to have a</p>	<p style="text-align: right;">Page 108</p> <p>1 MR. BADALA: We've been going</p> <p>2 about two hours. I don't know if this</p> <p>3 is a good time to take a break?</p> <p>4 MR. BOEHM: Sure. Let me just --</p> <p>5 I just have a few more, maybe, and</p> <p>6 then -- unless you need to go now. It</p> <p>7 doesn't matter to me, but I'm about to</p> <p>8 wrap up in a second.</p> <p>9 MR. BADALA: It's up to you. Do</p> <p>10 you want to take a break now or do you</p> <p>11 want to wait?</p> <p>12 THE WITNESS: I wouldn't mind</p> <p>13 taking a break now.</p> <p>14 MR. BOEHM: Yeah. Let's take a</p> <p>15 break.</p> <p>16 THE VIDEOGRAPHER: Off the</p> <p>17 record, 10:54.</p> <p>18 (Recess taken, 10:54 a.m. to</p> <p>19 11:07 a.m.)</p> <p>20 THE VIDEOGRAPHER: On the record,</p> <p>21 11:07.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Ms. Keenan, welcome back from a</p> <p>24 short break.</p> <p>25 We were talking about the</p>
<p style="text-align: right;">Page 107</p> <p>1 mastery of the information relevant to the</p> <p>2 budget-making process?</p> <p>3 A. That's correct.</p> <p>4 Q. And it's important for you, as</p> <p>5 the director of the office, to understand the</p> <p>6 details of the budgets, fair?</p> <p>7 A. Like I said, I don't know the</p> <p>8 details of every budget in our</p> <p>9 \$2 billion budget, but I have broad</p> <p>10 understanding of every agency and department,</p> <p>11 and I do have more detailed knowledge of some</p> <p>12 of our agencies.</p> <p>13 Q. Ms. Keenan, I've reviewed the</p> <p>14 budgets that have been provided to us for</p> <p>15 Cuyahoga County by counsel that go back to</p> <p>16 2006. And one thing that I've noticed there</p> <p>17 is that the budgets --</p> <p>18 Let me start by saying, have you</p> <p>19 reviewed budgets that go back at least to</p> <p>20 2006 as part of your kind of making sure you</p> <p>21 understand the history of the department?</p> <p>22 A. I had a hand in preparing all of</p> <p>23 them from 2006.</p> <p>24 Q. Okay. So that's a yes?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 109</p> <p>1 budgets that have been produced to us from</p> <p>2 the county that go back to 2006. I think</p> <p>3 Joe was suggesting that maybe there were</p> <p>4 some that go back further than that, but not</p> <p>5 to my knowledge.</p> <p>6 Joe, did you want to clarify</p> <p>7 that?</p> <p>8 MR. CIACCIO: I don't have the</p> <p>9 specifics in front of me yet, but I know</p> <p>10 that with our production 51, we</p> <p>11 collected and produced budget books</p> <p>12 before 2006.</p> <p>13 MR. BOEHM: Was that the annual</p> <p>14 budget or do you mean something else by</p> <p>15 "budget books"?</p> <p>16 MR. CIACCIO: The annual --</p> <p>17 whatever they were called before 2006;</p> <p>18 not the executive recommended budget,</p> <p>19 but whatever the recommended budget</p> <p>20 books were for those years.</p> <p>21 MR. BOEHM: Thanks.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. In any event, you started there</p> <p>24 in 2006. And one thing that we noticed, as I</p> <p>25 was starting to say, Ms. Keenan, is that the</p>

<p style="text-align: right;">Page 110</p> <p>1 budgets have a section that describe the</p> <p>2 economic conditions generally in the county.</p> <p>3 Do you recall that part of the</p> <p>4 budgets?</p> <p>5 A. Not specifically, no.</p> <p>6 Q. There's a section in the budget</p> <p>7 that talks about economic conditions in terms</p> <p>8 of stressors that might be happening in the</p> <p>9 county at that particular period of time or</p> <p>10 other good or bad things --</p> <p>11 A. Okay.</p> <p>12 Q. -- that generally describe kind</p> <p>13 of the state of financial affairs.</p> <p>14 A. Okay.</p> <p>15 Q. Is that a section of the budget</p> <p>16 that you recall seeing?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I can't say that I</p> <p>19 specifically recall it, but I</p> <p>20 wouldn't -- I mean, the budget books do</p> <p>21 try to paint a picture of the county not</p> <p>22 only as an entity but a region.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. And the budgets try to</p> <p>25 communicate with the public to some extent.</p>	<p style="text-align: right;">Page 112</p> <p>1 epidemic in the county.</p> <p>2 So it's important for the</p> <p>3 community to understand that the county can</p> <p>4 only fund with the resources that it has</p> <p>5 available to us. And those resources are</p> <p>6 insufficient to meet demand.</p> <p>7 (Discussion held.)</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. Do you agree that it's important</p> <p>10 for you, as the director of the Office of</p> <p>11 Budget Management, to understand the economic</p> <p>12 conditions in the county, including the</p> <p>13 stressors on the economy that impact</p> <p>14 budgeting?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. And is it important to</p> <p>19 communicate that to the public?</p> <p>20 A. Yes.</p> <p>21 Q. And it's fair to say that's what</p> <p>22 the county has tried to do in releasing its</p> <p>23 budgets, to communicate to the community what</p> <p>24 the economic conditions are, generally</p> <p>25 speaking, and including the most important</p>
<p style="text-align: right;">Page 111</p> <p>1 That's at least one purpose, right?</p> <p>2 A. That's correct.</p> <p>3 Q. And they describe for the public</p> <p>4 some of the economic stressors that are most</p> <p>5 relevant to whatever is happening in the</p> <p>6 financial world of the county, fair?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: That's correct.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. Why do the budgets describe the</p> <p>11 most important economic and financial</p> <p>12 stressors to whoever is reading it? What's</p> <p>13 the purpose of that?</p> <p>14 A. Well, I can't speak -- I didn't</p> <p>15 write the ones that would have been created</p> <p>16 before, so I can only speak to the books that</p> <p>17 were written post 2015. But we would want to</p> <p>18 include that to give an indication of the</p> <p>19 county's financial status, our ability to</p> <p>20 pay, our ability to respond to stressors.</p> <p>21 This county has been asked</p> <p>22 repeatedly for -- since 2015, we get</p> <p>23 requests from these agencies -- not all of</p> <p>24 our agencies, but many, for additional</p> <p>25 funding, some specific to the opiate</p>	<p style="text-align: right;">Page 113</p> <p>1 economic stressors that the county is facing</p> <p>2 at any particular period of time, fair?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: I can't say that</p> <p>5 because I don't recall specifically what</p> <p>6 has been included in previous budget</p> <p>7 documents. The primary purpose of them</p> <p>8 is to communicate what's happening in</p> <p>9 the agencies and departments.</p> <p>10 Sometimes there's a reference to</p> <p>11 economic conditions; sometimes there</p> <p>12 isn't. But the primary -- I'm sorry --</p> <p>13 the primary purpose is to communicate</p> <p>14 agency-specific information.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. What are the years in which the</p> <p>17 budget has not included a section describing</p> <p>18 the economic conditions, including the</p> <p>19 economic stressors in the county?</p> <p>20 A. I can't answer that.</p> <p>21 Q. But you said in your answer,</p> <p>22 sometimes you did and sometimes you didn't.</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. And I'm wondering if you actually</p>

<p style="text-align: right;">Page 114</p> <p>1 know of any instances where you didn't.</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I can't answer</p> <p>4 that.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. So you're not aware of any</p> <p>7 instances where the budget didn't include a</p> <p>8 section that described the general economic</p> <p>9 conditions in the county, including economic</p> <p>10 stressors?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Now, have you ever personally</p> <p>15 filed for bankruptcy?</p> <p>16 A. Yes, I have.</p> <p>17 Q. When was that?</p> <p>18 A. I don't -- 2010.</p> <p>19 Q. What were the circumstances?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: Financial distress.</p> <p>23 The county had --</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. I'm sorry. Just start over,</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. And some people refer to that now</p> <p>2 as The Great Recession?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. And it was right around that time</p> <p>7 that you were having your personal financial</p> <p>8 difficulty, correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Did The Great Recession -- well,</p> <p>11 let me back up.</p> <p>12 Is it fair to say the economic</p> <p>13 difficulty from that period of time that is</p> <p>14 sometimes now referred to as The Great</p> <p>15 Recession had an impact on Cuyahoga County</p> <p>16 and its ability to budget and spend funds,</p> <p>17 right?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: For a period of</p> <p>20 years, yes, the county -- the budget --</p> <p>21 to produce the budget required agencies</p> <p>22 to take cuts. We had an impact</p> <p>23 particularly on our sales tax revenue</p> <p>24 and property tax revenue.</p> <p>25</p>
<p style="text-align: right;">Page 115</p> <p>1 because I think there was a --</p> <p>2 A. So just financial distress. The</p> <p>3 county had been participating in layoffs --</p> <p>4 or, I'm sorry, furloughs for several years.</p> <p>5 We weren't given raises for several years. I</p> <p>6 had a mortgage that I could no longer afford.</p> <p>7 I'm a single mother.</p> <p>8 Q. What's the current disposition of</p> <p>9 that matter?</p> <p>10 A. That's all done.</p> <p>11 Q. And you said that was around</p> <p>12 2010?</p> <p>13 A. I believe so.</p> <p>14 Q. That was -- that period of time</p> <p>15 was the time of financial difficulty for many</p> <p>16 people.</p> <p>17 Do you recall that?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. There was the 2008, 2009, into</p> <p>22 2010, right?</p> <p>23 A. Yes.</p> <p>24 Q. There was a housing crisis?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Why did The Great Recession have</p> <p>3 an impact on Cuyahoga County budgeting?</p> <p>4 A. The county's largest revenue</p> <p>5 source in the General Fund is sales tax. And</p> <p>6 sales tax is usually an indicator of the</p> <p>7 economy around you.</p> <p>8 And in -- I don't remember what</p> <p>9 year it would have been, but there was a</p> <p>10 reappraisal done maybe in 2000 -- well, in</p> <p>11 one of those 2008, 2009, 2010 years, and</p> <p>12 property tax went -- property values went</p> <p>13 down, which means our tax revenue went down.</p> <p>14 Q. And the property tax value went</p> <p>15 down as a result of this housing crisis that</p> <p>16 started in around 2008, right?</p> <p>17 A. That's correct.</p> <p>18 Q. And that has an impact on the</p> <p>19 health of the Cuyahoga County budget, fair?</p> <p>20 A. It did.</p> <p>21 Q. For what years, in your view, did</p> <p>22 The Great Recession, the economic crisis that</p> <p>23 impacted the entire country, including</p> <p>24 Cuyahoga County, impact the Cuyahoga County</p> <p>25 budgeting process, up to and including the</p>

<p style="text-align: right;">Page 118</p> <p>1 present day?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: In 2008, we did</p> <p>4 cuts. 2009, we did cuts.</p> <p>5 I don't recall specifically</p> <p>6 about 2010.</p> <p>7 In 2011, we did not. That was</p> <p>8 the first year of the new government.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. In 2011 you did not do cuts?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Did you add money to the budget</p> <p>13 or did you just not further cut it back?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: I don't recall in</p> <p>16 2011.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. Do you have a view of for how</p> <p>19 long the economic crisis that started in 2008</p> <p>20 impacted the amount of money that</p> <p>21 Cuyahoga County has had available to it for</p> <p>22 purposes of its expenditures?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: So sales tax, which</p> <p>25 is my primary indicator, has been</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. What about 2009?</p> <p>2 A. I don't know. I wasn't tracking.</p> <p>3 That wasn't my area.</p> <p>4 Q. You don't know as you sit here</p> <p>5 today, as the director of the Office of</p> <p>6 Budget Management, whether or not the housing</p> <p>7 crisis of 2008 had an impact on property</p> <p>8 values in Cuyahoga County?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: I'm telling you</p> <p>11 that property values decreased in 2012.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. Right. But I asked --</p> <p>14 A. The results of the reappraisal in</p> <p>15 years prior to that, I don't know.</p> <p>16 Q. This 2012 appraisal, you said</p> <p>17 that the values decreased. Relative to what?</p> <p>18 A. We do appraisals every three</p> <p>19 years.</p> <p>20 Q. So between 2009 and 2012, real</p> <p>21 estate property values decreased?</p> <p>22 A. That's correct.</p> <p>23 Q. How much did they decrease?</p> <p>24 A. I don't know.</p> <p>25 Q. And is it fair to say that you</p>
<p style="text-align: right;">Page 119</p> <p>1 increasing every year since at least</p> <p>2 2012, year over year. I don't know of</p> <p>3 the years prior to that because I wasn't</p> <p>4 responsible for those projections.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. How about for property tax?</p> <p>7 A. There was a reappraisal in 2012,</p> <p>8 and values decreased in 2012, which would</p> <p>9 only impact largely the county's</p> <p>10 General Fund.</p> <p>11 Our two voted levies are</p> <p>12 protected by House Bill 920, which means</p> <p>13 that we manipulate the effective rate of the</p> <p>14 millage to generate the amount of money that</p> <p>15 we said we would.</p> <p>16 Q. But the 2008 economic crisis --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- which was a housing crisis,</p> <p>19 did that have an impact on property values in</p> <p>20 Cuyahoga County?</p> <p>21 A. Property values decreased in the</p> <p>22 2012 appraisal. I'm not an economist. All I</p> <p>23 can tell you is that they decreased in 2012.</p> <p>24 Q. What about in 2008?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 121</p> <p>1 attribute the decrease in property value</p> <p>2 between 2009 to 2012 to what was, in fact, a</p> <p>3 nationwide housing crisis?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: I can only say what</p> <p>6 happened to the values. I don't know</p> <p>7 what -- I am not an expert in this.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. Do you have an opinion as to why</p> <p>10 property values in Cuyahoga County decreased?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Have you undertaken to try and</p> <p>15 understand that?</p> <p>16 A. For 2009? No.</p> <p>17 Q. For any period of time.</p> <p>18 A. I track housing values now. But</p> <p>19 I do not analyze housing values from ten</p> <p>20 years ago.</p> <p>21 Q. As the director of the Office of</p> <p>22 Budget Management, have you ever undertaken</p> <p>23 to try and understand what has accounted for</p> <p>24 decreases in property values in</p> <p>25 Cuyahoga County?</p>

<p style="text-align: right;">Page 122</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: Not in any detail,</p> <p>3 no. We have directors that are</p> <p>4 responsible for that, and I trust the</p> <p>5 directors to keep on top of that.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Who are the directors that we</p> <p>8 would need to talk to to understand those</p> <p>9 questions better?</p> <p>10 A. Department of Development,</p> <p>11 Ted Carter.</p> <p>12 Q. Anybody else?</p> <p>13 A. No.</p> <p>14 Q. How have property values in</p> <p>15 Cuyahoga County done since 2012?</p> <p>16 A. The most recent appraisal was</p> <p>17 just completed, and property values on a</p> <p>18 whole are increasing by 11 percent.</p> <p>19 Q. And is that for the last three</p> <p>20 years?</p> <p>21 A. That's correct.</p> <p>22 Q. So in the last three years here</p> <p>23 in Cuyahoga County, property values have gone</p> <p>24 up 11 percent?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 124</p> <p>1 fluctuations in either direction, up or down,</p> <p>2 of property values don't materially impact</p> <p>3 the county's ability to pay for expenditures,</p> <p>4 including with respect to any opiate-related</p> <p>5 expenditures?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: The General Fund</p> <p>8 will see an increase or decrease. And I</p> <p>9 don't agree that a 3 to</p> <p>10 \$6 million increase is not material.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. So are you saying that the</p> <p>13 11 percent rise in property values would</p> <p>14 translate to somewhere between 3 and</p> <p>15 \$6 million in terms of funds available to the</p> <p>16 county?</p> <p>17 A. That's correct.</p> <p>18 Q. Is that the limit of it, or is</p> <p>19 there more money that would be available</p> <p>20 based on changes in property value?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: Changes in property</p> <p>23 value will always impact it. New</p> <p>24 construction two weeks from now will</p> <p>25 impact the amount of revenue that comes</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. That's pretty good, wouldn't you</p> <p>2 say?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: Yes. That's good</p> <p>5 for the county. That's good for the</p> <p>6 county.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. And that's a pretty big increase,</p> <p>9 is what I mean. Yes?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: The county is not</p> <p>12 the largest beneficiary of property tax</p> <p>13 dollars in Ohio, so we are not going to</p> <p>14 see a big increase. The voted levies,</p> <p>15 we will not see any increase.</p> <p>16 So the fact that property values</p> <p>17 have gone up does not in any way affect</p> <p>18 our ability to pay for our services,</p> <p>19 including responding to the opiate</p> <p>20 epidemic.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. Okay.</p> <p>23 A. Property values will increase</p> <p>24 General Fund revenue slightly.</p> <p>25 Q. So is it fair to say, then,</p>	<p style="text-align: right;">Page 125</p> <p>1 in.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. I just want to make sure we have</p> <p>4 this very clear.</p> <p>5 So I think you were saying that</p> <p>6 increases in property value don't materially</p> <p>7 impact the county's ability to pay for</p> <p>8 expenditures, but I might have misunderstood</p> <p>9 that. So explain to me if I got that wrong.</p> <p>10 A. I said the exact opposite.</p> <p>11 Q. Okay. Say it again.</p> <p>12 A. The increase in property values</p> <p>13 will increase General Fund revenue from</p> <p>14 anywhere to 3 to \$6 million. And the</p> <p>15 difference is right now I'm waiting on the</p> <p>16 board -- you can go through the Board of</p> <p>17 Revision. So I'm seeing what happens with</p> <p>18 the appeal process. People are going to</p> <p>19 appeal. But 3 to \$6 million is material.</p> <p>20 Q. How do you translate the</p> <p>21 11 percent increase in property values here</p> <p>22 in Cuyahoga County over the last three years</p> <p>23 to somewhere between 3 and \$6 million</p> <p>24 additional funds being available to the</p> <p>25 county?</p>

<p style="text-align: right;">Page 126</p> <p>1 A. The county is entitled to a 2 certain percentage of inside millage. We get 3 property tax dollars. 4 Q. You indicated that mostly, 5 though, decreases or increases in property 6 value don't impact the county, they impact -- 7 do they impact other entities? 8 MR. BADALA: Objection to form. 9 THE WITNESS: They do impact the 10 county's General Fund. 11 BY MR. BOEHM: 12 Q. The 3 to \$6 million, right? 13 A. That's correct. 14 Q. Right. But you indicated in one 15 of your earlier responses that actually 16 changes in property value have a bigger 17 impact outside the county than they do inside 18 the county in terms of available money. 19 A. The largest recipient of property 20 tax revenue are schools and libraries. 21 Q. That doesn't go directly to the 22 county? 23 A. It does go directly to the county 24 and the county redistributes it. 25 Q. So if I understand it correctly,</p>	<p style="text-align: right;">Page 128</p> <p>1 increase in the number of inmates in our 2 facility who come in addicted to 3 prescription opiates, and we have to take 4 care of their medical needs. 5 That's all General Fund. 6 Q. That's all from the General Fund? 7 A. That's correct. 8 Q. What percentage of property taxes 9 here in Cuyahoga County go to the 10 General Fund? 11 A. About 10. A little less than 12 10 percent. 13 Q. Do you know why property values 14 here in Cuyahoga County have gone up about 15 11 percent in the last three years? 16 A. I can't say that, just like I 17 can't specifically say why they went down. 18 But Cuyahoga County, the city of Cleveland, 19 has been on the rebound for the last, really, 20 decade, but the last five years 21 Sales tax, as I mentioned, has 22 been going up. That's really my bellwether 23 for what's happening in the community. And 24 we've seen pretty good-sized percentage 25 increases year over year in sales tax.</p>
<p style="text-align: right;">Page 127</p> <p>1 the largest recipient of funds from property 2 taxes are schools and libraries? 3 A. Correct. 4 Q. What else? 5 A. We have metro parks, a park 6 district that receives property tax dollars. 7 There are voted levies in various 8 municipalities for property tax dollars. So 9 any new levies will get the benefit of 10 increase in property taxes. 11 Q. Do fluctuations in property 12 values have any impact on the county's 13 ability to pay for opiate -- specifically 14 opiate-related expenditures? 15 A. Absolutely. 16 The county gets General Fund 17 dollars from property tax, and we are using 18 the General Fund dollars to pay for record 19 number of autopsies in the 20 Medical Examiner's office; record number of 21 toxicology testing in the Medical Examiner's 22 office; two years of steady increases in 23 case filings in Common Pleas Court, which 24 affects the prosecutor, public defender. 25 And we have seen an exponential</p>	<p style="text-align: right;">Page 129</p> <p>1 We did have the Cleveland 2 Cavaliers for a while there as a winning 3 basketball team. The Indians were doing 4 well. We have a lot of new construction. 5 Things are going well in Cuyahoga County. 6 Q. You said that the county is on 7 the rebound and has been on the rebound for 8 the last ten years. And when you say it's 9 "on the rebound," tell me what you mean by 10 that. 11 A. The county as an entity I'm not 12 talking about. I'm talking about the region. 13 So, you know, Cuyahoga County as a region has 14 seen some new businesses. Like I said, we 15 had two winning sports teams for a while. 16 And our sales tax is up. Sales 17 tax is a good indication that your economy 18 is doing -- you know, if you go up, you're 19 doing at least a little bit better than you 20 were last year, and our sales tax has been 21 going up for several years. 22 Q. For how long has the sales tax 23 been going up? 24 A. Sales tax has been going up year 25 over year at least since 2012.</p>

<p style="text-align: right;">Page 130</p> <p>1 Q. Do you know how property taxes</p> <p>2 changed between 2012 and 2015?</p> <p>3 A. I do not, no.</p> <p>4 Q. You don't know if it went up or</p> <p>5 down?</p> <p>6 A. I do not know.</p> <p>7 Q. Who would we have to ask to find</p> <p>8 out?</p> <p>9 A. I can get that information.</p> <p>10 Q. Who would you ask?</p> <p>11 A. Probably Chris Murray, the county</p> <p>12 treasurer.</p> <p>13 Q. The county treasurer.</p> <p>14 When you say that sales tax</p> <p>15 going up is a good indicator of economic</p> <p>16 health --</p> <p>17 A. Uh-huh.</p> <p>18 Q. -- why is that true? What does</p> <p>19 that mean?</p> <p>20 A. If sales tax is increasing, that</p> <p>21 suggests that people are spending more, or at</p> <p>22 least not spending less, or they're buying</p> <p>23 more expensive items. And if people have</p> <p>24 money to spend, that's a good thing for the</p> <p>25 economy.</p>	<p style="text-align: right;">Page 132</p> <p>1 connection with opiate use or abuse, fair?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I don't believe so.</p> <p>4 BY MR. BOEHM:</p> <p>5 Q. Who made the decision to change</p> <p>6 the sales tax such that Cuyahoga County will</p> <p>7 have \$30 million less?</p> <p>8 A. A federal agency. I'm not sure</p> <p>9 which one.</p> <p>10 Q. Do you know why they made that</p> <p>11 decision?</p> <p>12 A. Previously, sales tax had been</p> <p>13 assessed on the premiums paid by Medicaid</p> <p>14 Managed Care Organizations.</p> <p>15 And the federal government has</p> <p>16 been saying for years, "You either tax</p> <p>17 everybody, so your healthcare too, or you</p> <p>18 tax nobody." And the State of Ohio said,</p> <p>19 "We will tax nobody."</p> <p>20 But that Medicaid Managed Care</p> <p>21 tax was \$30 million for us. And that</p> <p>22 absolutely affects our ability to respond to</p> <p>23 the opiate epidemic.</p> <p>24 Q. I understand that it affects the</p> <p>25 amount of money you have available to spend.</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. So you would say, overall, for</p> <p>2 the last ten years, Cuyahoga County has been</p> <p>3 doing well economically?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: I would not say</p> <p>6 that. I would say that our sales tax</p> <p>7 has been performing well.</p> <p>8 Cuyahoga County, in terms of its budget,</p> <p>9 has been hit extraordinarily hard by the</p> <p>10 opiate epidemic for years.</p> <p>11 And in 2017, we lost 30 million</p> <p>12 of our annual sales tax revenue due to</p> <p>13 a decision at the federal level.</p> <p>14 So this is the first year where</p> <p>15 we're going to be 30 million down in</p> <p>16 sales tax. That's a really large hit.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. That 30 million doesn't have</p> <p>19 anything to do with opiates, does it?</p> <p>20 A. It absolutely does. The county</p> <p>21 supports all of these costs through its</p> <p>22 General Fund. And sales tax is our largest</p> <p>23 revenue source to the General Fund.</p> <p>24 Q. The decision to take away the</p> <p>25 \$30 million was not a decision made in</p>	<p style="text-align: right;">Page 133</p> <p>1 A. That's correct.</p> <p>2 Q. I get that. But the \$30 million</p> <p>3 that you might be -- you might not have</p> <p>4 because of the changes in the Medicaid</p> <p>5 Managed Care Act, that's a legislative</p> <p>6 decision, right?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I believe it was a</p> <p>9 decision by one of the federal agencies,</p> <p>10 so executive.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Where has money from the Medicaid</p> <p>13 Managed Care Act in past years gone? Into</p> <p>14 which funds does it go?</p> <p>15 A. The General Fund.</p> <p>16 Q. Does all of it go into the</p> <p>17 General Fund?</p> <p>18 A. It does.</p> <p>19 Q. But you're not blaming the</p> <p>20 defendants in this case for the fact that a</p> <p>21 federal agency has made a decision to apply</p> <p>22 the Medicaid Managed Care Act in the way that</p> <p>23 they have, are you?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I'm not blaming</p>

<p style="text-align: right;">Page 134</p> <p>1 anyone, including the federal agency. 2 BY MR. BOEHM: 3 Q. You're just making a note that 4 you may have an additional financial 5 stressor. 6 MR. BADALA: Objection to form. 7 BY MR. BOEHM: 8 Q. Right? 9 A. It's a considerable financial 10 stressor. 11 Q. But it doesn't have anything to 12 do with the conduct that's being alleged 13 about the defendants in this case, fair? 14 MR. BADALA: Objection to form. 15 THE WITNESS: I think that there 16 is a connection. The demand for our 17 expenditure of funds to provide certain 18 services in response to this crisis is 19 increasing. It's not only not staying 20 the same and we're losing 30 million, 21 but it's increasing and we're losing 22 30 million. 23 The number of children in foster 24 care has been increasing every week -- 25 every week this year, and we're at</p>	<p style="text-align: right;">Page 136</p> <p>1 THE WITNESS: Yeah. I don't 2 believe that was the question. 3 BY MR. BOEHM: 4 Q. But what's the answer? 5 A. The answer to this new question 6 is, no, I don't believe that decision was 7 made for that reason. 8 Q. It has nothing to do with 9 opiates, right? 10 MR. BADALA: Objection to form. 11 THE WITNESS: I don't believe so. 12 (Cuyahoga County, Organizational 13 Chart - no Bates, marked as 14 Deposition Exhibit 2.) 15 BY MR. BOEHM: 16 Q. Ms. Keenan, I've marked this 17 document in front of you as Exhibit 2 for 18 purposes of your deposition. 19 It's an organizational chart of 20 Cuyahoga County government. 21 A. Uh-huh. 22 Q. Have you seen this before? 23 A. Something like it, at least, yes. 24 Q. And your name is right there, 25 almost smack-dab in the middle.</p>
<p style="text-align: right;">Page 135</p> <p>1 record highs going back to 2011. Not 2 having \$30 million makes our job very 3 difficult. 4 BY MR. BOEHM: 5 Q. I got the talking points, but 6 it's not the answer to my question. I'll 7 move to strike. 8 I'm going to give you plenty of 9 opportunities today to talk about what you 10 think the specific damages are. Trust me, 11 I'll get to that. But that's not my 12 question. 13 A. I believe I answered your 14 question in saying I think there is a 15 connection, yes. 16 Q. My question to you, Ms. Keenan, 17 was whether or not you believe that the 18 decision-makers at the federal agency, 19 vis-a-vis this Medicaid Managed Care Act, 20 made their decision that impacts the county 21 because of something having to do 22 specifically with opiates? 23 MR. BADALA: Objection to form. 24 And just note my objection. That was 25 not Mr. Boehm's previous question.</p>	<p style="text-align: right;">Page 137</p> <p>1 Do you see that? 2 A. I do. 3 Q. It says "Office of Budget 4 Management Director Maggie Keenan." Right? 5 A. Yes. 6 Q. And that's you? 7 A. That's me. 8 Q. You report directly to Mr. Dennis 9 Kennedy? 10 A. That's correct. 11 Q. He's the chief financial officer? 12 A. That's correct. 13 Q. What does it mean that he's the 14 chief financial officer? 15 A. Under the charter, the fiscal 16 officer performs the statutory functions of 17 the county auditor and the county recorder. 18 And the statutory functions as it relates to 19 title, like vehicle and boat title, that used 20 to fall under the elected Clerk of Courts. 21 Q. Does he have oversight over your 22 office? 23 A. Yes. 24 Q. Mr. Kennedy has oversight over 25 the Office of Budget Management, right?</p>

<p style="text-align: right;">Page 138</p> <p>1 A. We are part of the fiscal office.</p> <p>2 Q. Is that a yes?</p> <p>3 A. Yes.</p> <p>4 Q. Do you report to anybody other</p> <p>5 than Mr. Kennedy?</p> <p>6 A. No.</p> <p>7 Q. There are several other people</p> <p>8 who are listed under your name on this</p> <p>9 organizational chart, including Mr. Murray.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Do any of those individuals</p> <p>13 report to you?</p> <p>14 A. No.</p> <p>15 Q. Would there be a different</p> <p>16 organizational chart for the Office of Budget</p> <p>17 Management that would show how your office</p> <p>18 breaks down?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have a chart like that for</p> <p>21 the OBM?</p> <p>22 A. I do.</p> <p>23 Q. Is that one of the items that you</p> <p>24 made available to the lawyers when you said</p> <p>25 you had collected documents for the case?</p>	<p style="text-align: right;">Page 140</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: It varies depending</p> <p>3 on time of year, what's happening around</p> <p>4 the county. But I meet with him quite</p> <p>5 frequently.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. What does "quite frequently"</p> <p>8 mean, on average?</p> <p>9 A. On average, I would say that I</p> <p>10 communicate with him once or twice a week.</p> <p>11 Q. Do you usually do that by email,</p> <p>12 in person, on the phone? How do you do that?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: All of the above.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. Do you ever communicate with</p> <p>17 Mr. Budish about the impact in Cuyahoga</p> <p>18 County from the use or misuse or abuse of</p> <p>19 opiates?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I have had</p> <p>22 conversations with him on -- yes, on the</p> <p>23 impact of prescription opiates and</p> <p>24 heroin on individual agencies, yes.</p> <p>25</p>
<p style="text-align: right;">Page 139</p> <p>1 A. I don't recall.</p> <p>2 Q. Is that something you could</p> <p>3 easily get?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. You could just pull up your</p> <p>8 computer and find it?</p> <p>9 A. Yeah.</p> <p>10 Q. Mr. Kennedy reports directly to</p> <p>11 the county executive, Mr. Armond Budish,</p> <p>12 right?</p> <p>13 A. That's correct.</p> <p>14 Q. Mr. Budish is the head of county</p> <p>15 government?</p> <p>16 A. He is the head of the executive</p> <p>17 branch of county government.</p> <p>18 Q. He's the county executive?</p> <p>19 A. That's correct.</p> <p>20 Q. Do you know him?</p> <p>21 A. I do.</p> <p>22 Q. Do you meet with him?</p> <p>23 A. I do.</p> <p>24 Q. How often do you meet with</p> <p>25 Mr. Budish?</p>	<p style="text-align: right;">Page 141</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. What have you discussed with him</p> <p>3 about that?</p> <p>4 A. So I, obviously, can't recall</p> <p>5 every conversation, but as an example, I do</p> <p>6 communicate on a weekly basis the number of</p> <p>7 children that we have in foster care. I will</p> <p>8 communicate --</p> <p>9 I'm sorry. May I have a tissue?</p> <p>10 MR. BADALA: Yes.</p> <p>11 THE WITNESS: Thank you. Sorry.</p> <p>12 If we're getting requests from</p> <p>13 agencies for additional funding to</p> <p>14 support the demand for whatever</p> <p>15 services it is that they provide, I'll</p> <p>16 have to communicate that to Armond,</p> <p>17 Mr. Budish.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. Okay.</p> <p>20 Has he ever expressed any</p> <p>21 opinions to you about the impacts of opiate</p> <p>22 use or abuse on Cuyahoga County and its</p> <p>23 financial state?</p> <p>24 MR. BADALA: Object to the form.</p> <p>25 THE WITNESS: Yes.</p>

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1 BY MR. BOEHM:
2 Q. What has he said to you about
3 that?
4 A. He believes that this is having a
5 devastating effect on our finances.
6 Q. What specifically has he said to
7 you about that?
8 MR. BADALA: Objection to form.
9 THE WITNESS: I can't recall
10 specific conversations that I've had,
11 but Armond has made several speeches
12 about this and has communicated -- since
13 Armond took office in January of 2015,
14 we have had to cut tens of millions of
15 dollars each year from the budget,
16 partly in response to the increase in
17 our costs. And so when we communicate
18 at any particular agency, it comes up.
19 BY MR. BOEHM:
20 Q. Did I hear you right that since
21 Mr. Budish has become the county executive,
22 Cuyahoga County has cut tens of millions of
23 dollars from its annual budget?
24 A. That's correct.
25 Q. And you said that one of the

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1 reasons was what?
2 A. I'm sorry?
3 Q. What were the reasons that
4 Cuyahoga County has had to cut tens of
5 millions of dollars from its budget?
6 A. The demand for our services and
7 our costs are skyrocketing.
8 Q. That's not a reason to cut,
9 though. That's a stressor, but it's not a
10 reason to cut. I'm asking you --
11 A. It is a reason --
12 Q. -- why has the county had to cut
13 the amount of money it spends on services?
14 MR. BADALA: Objection to form.
15 THE WITNESS: We don't have
16 enough money. We don't have enough
17 money to cover our expenses.
18 BY MR. BOEHM:
19 Q. What has caused the county --
20 MR. BADALA: Are you done?
21 BY MR. BOEHM:
22 Q. I'm sorry. I thought you were
23 done. Go ahead.
24 A. No. Sorry.
25 We also have -- so the county

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1 budget General Fund levies is 650-or-so
2 million dollars. We don't spend the same
3 money on the same programs every year,
4 right? So we have to make priorities. We
5 have to make policy decisions.
6 When we see that we're having to
7 perform our autopsies -- hire a new
8 pathologist to respond to that in the
9 Medical Examiner's office, I have to find
10 that money from some other agency and cut
11 it.
12 So we are making cuts. Even if,
13 in total, we are spending the same amount of
14 money, for the agency who just lost their
15 funding, they will tell you that that is
16 absolutely a cut.
17 Everything that we give is
18 because we're taking from somebody else.
19 Q. So when you say that you've had
20 to make cuts of tens of millions of dollars
21 to the budget, you're talking about
22 reshuffling funds?
23 A. No. I'm talking about both. We
24 have cut tens of millions of dollars from the
25 budget.

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1 Q. Well --
2 A. And in addition to that, we have
3 had to reallocate funds to respond to
4 demands.
5 Q. Okay.
6 But let's talk about those one
7 at a time. Because they are different,
8 right?
9 A. Uh-huh.
10 Q. Those are different things,
11 right?
12 A. They are.
13 Q. So let's talk about them one at a
14 time so we don't get confused.
15 A. Okay.
16 Q. With respect to the cutting tens
17 of millions of dollars, what are the reasons
18 why Cuyahoga County has had to cut tens of
19 millions of dollars from its budgets?
20 MR. BADALA: Objection to form.
21 THE WITNESS: The primary reason
22 is the loss of the Medicaid Managed
23 Care. So we actually -- when we passed
24 our budgets, we tried to be proactive
25 and eliminate some things in advance of

<p style="text-align: right;">Page 146</p> <p>1 actually losing the money so that we</p> <p>2 weren't turning off services that day.</p> <p>3 And transitioning our clients to</p> <p>4 other resources takes time and takes</p> <p>5 money. We have seen a decrease in some</p> <p>6 of our other revenue sources. A lot of</p> <p>7 our revenue comes from state and</p> <p>8 federal sources.</p> <p>9 For example, the Ohio Public</p> <p>10 Defender reimburses a percentage of our</p> <p>11 indigent care costs. And when their</p> <p>12 money gets tight, they don't cut; they</p> <p>13 take it out on the locals. So they'll</p> <p>14 reduce the reimbursement rate. And</p> <p>15 they did reduce the reimbursement rate</p> <p>16 at some point, and so we have to</p> <p>17 respond to that and we have to cover</p> <p>18 it, because we don't have the option to</p> <p>19 not provide indigent defense.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. I think I heard you say two</p> <p>22 reasons why you've had to cut the total</p> <p>23 amount of spending. One was the Medicaid</p> <p>24 Managed Care changes. And two, you said that</p> <p>25 there were reductions in some of your other</p>	<p style="text-align: right;">Page 148</p> <p>1 21 million next year to cover</p> <p>2 hospitalizations, COLAs, you have to</p> <p>3 cut to stay within the 18 million that</p> <p>4 you have available to you.</p> <p>5 The cost of our employee</p> <p>6 healthcare has been increasing. I</p> <p>7 mean, that's not unique to</p> <p>8 Cuyahoga County, but it's an</p> <p>9 extraordinarily large expense.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. Okay.</p> <p>12 But, again, we kind of slipped</p> <p>13 into a discussion about increasing costs.</p> <p>14 And I want to be very clear, I'm not right</p> <p>15 now asking you about increasing costs. I'm</p> <p>16 asking you about decreasing the budget, in</p> <p>17 other words, decreasing revenue that you</p> <p>18 have available to cover the costs.</p> <p>19 And you indicated that Medicare</p> <p>20 Managed Care changes was one reason. And</p> <p>21 you also indicated that losses from state</p> <p>22 and federal funding was another reason.</p> <p>23 And I'm asking you now, are</p> <p>24 there any other reasons?</p> <p>25 A. So perhaps to put this in</p>
<p style="text-align: right;">Page 147</p> <p>1 revenue sources, and you specifically</p> <p>2 mentioned state funds and federal funds.</p> <p>3 A. That's correct.</p> <p>4 Q. Are there any other reasons why</p> <p>5 Cuyahoga County has had to cut its budget?</p> <p>6 A. Yes.</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I'm sorry.</p> <p>9 The cost of our operations</p> <p>10 increases every year. Cuyahoga County,</p> <p>11 with the exception of like our Road and</p> <p>12 Bridge division, our sanitary divisions</p> <p>13 where you have large construction</p> <p>14 costs, we are very heavily personnel.</p> <p>15 We are also very heavily union. So we</p> <p>16 have bargaining agreements that</p> <p>17 guarantee certain percentage increases</p> <p>18 for salaries every year. The executive</p> <p>19 has made a commitment to try and</p> <p>20 implement cost-of-living increases to</p> <p>21 the non-bargainings every year.</p> <p>22 So when I say we're cutting,</p> <p>23 we're also cutting from -- you know, if</p> <p>24 our costs this year are 18 million and</p> <p>25 we think they're going to go up to</p>	<p style="text-align: right;">Page 149</p> <p>1 context, if I can just provide some</p> <p>2 background on how the budget process</p> <p>3 operates, because that might make it more</p> <p>4 clear.</p> <p>5 We adopt a budget. We don't do</p> <p>6 biannual budgets in Cuyahoga County, but we</p> <p>7 analyze them annually. Throughout the year</p> <p>8 we will do forecasts. We go three years</p> <p>9 out.</p> <p>10 If our forecasts show that our</p> <p>11 personnel costs are going to increase, just</p> <p>12 as an example, \$5 million a year every year,</p> <p>13 we have to cut something else to pay for our</p> <p>14 staff.</p> <p>15 So when I say "cut," it's</p> <p>16 cutting based off of those forecasts. We</p> <p>17 have to eliminate contracts. We have to</p> <p>18 eliminate something if we're going to keep</p> <p>19 the staff that we have who actually perform</p> <p>20 the services.</p> <p>21 Q. Right. So you have to -- that's</p> <p>22 the reshuffling of funds, right? You might</p> <p>23 have to take from Peter to pay Paul?</p> <p>24 A. No. We actually have to cut</p> <p>25 because the costs keep rising. When you have</p>

<p style="text-align: right;">Page 150</p> <p>1 rising costs, you eventually have to cut. 2 Revenue doesn't increase with expenses. 3 Q. You have to cut services? 4 A. We have to cut something. 5 Q. I'm talking about the total 6 amount of money that you have available to 7 spend. That's my question to you, right? 8 And I thought you had said that the county 9 has had reductions in the total amount of 10 money that it has available to spend. 11 And you identified a couple of 12 reasons why: The Medicaid Managed Care 13 changes and losses from state and federal 14 sources, okay? 15 Are there other actual reasons 16 why you have lost money in terms of the 17 total amount you have available to spend, 18 however you spend it? 19 A. We lose revenue all the time. We 20 get a significant number of revenue from fees 21 for services, charges for services, filings 22 in the Court of Common Pleas. 85 percent of 23 our defendants in the Court of Common Pleas 24 for the criminal cases are indigent. They 25 don't pay, but the cost to provide that trial</p>	<p style="text-align: right;">Page 152</p> <p>1 down for years? 2 A. I'm sure it's gone down. I'm not 3 going to guess at how long. 4 Q. Okay. 5 So now we've got a third, the 6 loss of fees from the Court of Common Pleas. 7 Are there other losses of total 8 revenue that the county has available to 9 spend that we've not already talked about? 10 A. Of course. I mean, the county 11 has hundreds of revenue sources. So, yes, 12 there are losses in several of them. 13 Q. What else? 14 A. Reimbursements that we get. We 15 used to receive more revenue from commissary; 16 that's gone down. Our fees was a big one; 17 that's gone down. 18 I would have to see a budget to 19 see -- to know every single one that's gone 20 down. 21 Q. When you say losses in revenue 22 from commissary, does that have to do with 23 commissary in the jail? 24 A. It does. 25 Q. And that amount has been going</p>
<p style="text-align: right;">Page 151</p> <p>1 stays the same or goes up because we have 2 county staff who get increases in personnel 3 every year. 4 Those costs have gone down as 5 case filings are going through the roof over 6 there, and the defendants aren't paying. 7 We're losing revenue in our charges. 8 Q. Has the amount of money that the 9 county has collected from the Court of Common 10 Pleas' fees gone down in recent years? 11 A. Absolutely. It has from all the 12 courts except for juvenile. 13 Q. For how long have court fee 14 revenues been going down in Cuyahoga County? 15 A. I can't answer that without 16 seeing a budget. 17 Q. Can you just describe it for me 18 generally? 19 MR. BADALA: Objection to form. 20 THE WITNESS: I don't want to 21 guess. 22 BY MR. BOEHM: 23 Q. Has it been going down for years? 24 A. I'd need to see a budget. 25 Q. You're not even sure if it's gone</p>	<p style="text-align: right;">Page 153</p> <p>1 down? 2 A. That's correct. 3 Q. What are the revenues generated 4 from commissary used to fund for the county? 5 A. Services for the inmates. So we 6 have -- this is really a question for Cliff 7 Pinkney, who is our county sheriff, but they 8 have GED classes, other services in the jail. 9 And you are permitted to use 10 commissary funds for expenses that create a 11 safe -- I forget the language -- something 12 environment for the inmates. We use it to 13 pay for the employees that actually work in 14 commissary, but they don't -- we don't 15 anymore, because that used to be a million 16 dollars and commissary doesn't have it. 17 Q. For how long has commissary 18 revenue been going down here in 19 Cuyahoga County? 20 A. We haven't received any revenue 21 from commissary in 2018 or 2017. 22 Q. Zero funds? 23 A. Zero. 24 Q. Explain how that's possible. 25 A. We're collecting --</p>

<p style="text-align: right;">Page 154</p> <p>1 Q. Is commissary generating any</p> <p>2 revenue?</p> <p>3 A. It is, but the costs are going</p> <p>4 up.</p> <p>5 Q. I see. So the revenue is being</p> <p>6 generated, but it's being spent directly at</p> <p>7 the jail?</p> <p>8 A. That's correct.</p> <p>9 Q. And that raises another question</p> <p>10 I have. When you were describing the issues</p> <p>11 at the Office of Information and Technology,</p> <p>12 you -- I'm curious how it's possible that</p> <p>13 county dollars can be spent, actually</p> <p>14 provided to a contractor, without there being</p> <p>15 any level of review, approval, sign-off.</p> <p>16 How is that even, as a</p> <p>17 logistical matter, feasible?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: All I know is that</p> <p>20 that's being investigated. I don't know</p> <p>21 that it actually took place. And I</p> <p>22 wouldn't know how you can spend county</p> <p>23 dollars without going through the</p> <p>24 process.</p> <p>25</p>	<p style="text-align: right;">Page 156</p> <p>1 affect General Fund revenue, it will</p> <p>2 affect the General Fund budget if our</p> <p>3 special revenue funds are running dry.</p> <p>4 And our special revenue funds, a lot of</p> <p>5 them, are running dry.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. What are the reasons why the</p> <p>8 special revenue funds are losing revenue? In</p> <p>9 other words, what are the sources of revenue</p> <p>10 that are now reduced?</p> <p>11 A. So any number of sources. Some</p> <p>12 are fees, some are assessments on property</p> <p>13 taxes, reimbursements from other sources. I</p> <p>14 mean, they could come from anywhere. But we</p> <p>15 have -- you know, titles is a big one. We</p> <p>16 get 5 or so million from that.</p> <p>17 But we have been drawing down</p> <p>18 cash balances on our special revenue funds</p> <p>19 for years to prop up the General Fund</p> <p>20 budget. So to the extent allowable by</p> <p>21 law -- which some of our special revenue</p> <p>22 funds, you can declare a surplus and then</p> <p>23 you can use those dollars into the</p> <p>24 General Fund.</p> <p>25 We have done that, but that's a</p>
<p style="text-align: right;">Page 155</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. All right. Other than commissary</p> <p>3 fees, loss in reimbursements in state and</p> <p>4 federal funds, and Medicaid Managed Care</p> <p>5 changes, are there any other losses to the</p> <p>6 total net revenue that the county has</p> <p>7 available to spend?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: So there are</p> <p>10 additional losses -- excuse me -- in</p> <p>11 some of our special revenue funds. So</p> <p>12 the special revenue funds collect</p> <p>13 revenue that is restricted for a certain</p> <p>14 purpose.</p> <p>15 And we have -- the General Fund</p> <p>16 is a \$450 million budget, and we're at</p> <p>17 \$2 billion with all our special</p> <p>18 revenues and grants entities. So we</p> <p>19 have a number of restricted funds.</p> <p>20 If the restricted funds aren't</p> <p>21 earning enough revenue to cover the</p> <p>22 costs of whatever we were charging to</p> <p>23 them, the General Fund will have to</p> <p>24 pick that up.</p> <p>25 So though it doesn't directly</p>	<p style="text-align: right;">Page 157</p> <p>1 one-time activity, you know. When you draw</p> <p>2 down a cash balance, you can only do that</p> <p>3 one time and then it will take you another</p> <p>4 five years or whatever to build it back up.</p> <p>5 Q. So some of the special revenue</p> <p>6 funds, you can -- let me start over.</p> <p>7 Did I understand you correctly</p> <p>8 to say that it is permissible for the county</p> <p>9 to remove funds from a special revenue fund</p> <p>10 that's designated for a mandated purpose and</p> <p>11 transfer it to the General Operating Fund?</p> <p>12 A. If there's a specific permission</p> <p>13 in the Ohio Revised Code, the Certificate of</p> <p>14 Title Fund, which is -- well, not you, but</p> <p>15 when people pay for their automobile titles,</p> <p>16 you are permitted to declare a surplus in</p> <p>17 that fund.</p> <p>18 Q. Any other funds where you're</p> <p>19 permitted to declare a surplus and then</p> <p>20 transfer it out of the special revenue fund?</p> <p>21 A. Off the top of my head, I can't</p> <p>22 think of any, but there are other funds that</p> <p>23 the county, for whatever reason, will</p> <p>24 designate a special revenue instead of</p> <p>25 General Fund.</p>

<p style="text-align: right;">Page 158</p> <p>1 Sometimes it's as simple as</p> <p>2 because it's ease of reporting. It's much</p> <p>3 quicker to be able to pull up a special</p> <p>4 revenue fund than dig through all the</p> <p>5 General Fund revenue.</p> <p>6 But the Treasurer's Office, for</p> <p>7 example, has several special revenue funds,</p> <p>8 but that money is allowed to be used to</p> <p>9 support the cost of operating the</p> <p>10 Treasurer's Office.</p> <p>11 And they're a General Fund</p> <p>12 entity. So we could take that money and put</p> <p>13 it in the General Fund to offset the cost of</p> <p>14 operating the Treasurer's Office.</p> <p>15 Q. I would like to know which</p> <p>16 special revenue funds are available for</p> <p>17 transfers of funds out of that special</p> <p>18 revenue fund and into the General Operating</p> <p>19 Fund.</p> <p>20 Can you identify which special</p> <p>21 revenue funds the county can do that with?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: So this would not</p> <p>24 be an exhaustive list, but we can do</p> <p>25 that with the Certificate of Title Fund.</p>	<p style="text-align: right;">Page 160</p> <p>1 represent an overall loss in revenue for the</p> <p>2 county?</p> <p>3 A. No. Property tax collections for</p> <p>4 the General Fund have been flat for the last</p> <p>5 two years. And I expect to see an increase</p> <p>6 when we start tax collection in January.</p> <p>7 Q. Because of this reevaluation?</p> <p>8 A. That's correct.</p> <p>9 Q. What about more than two years</p> <p>10 ago? Has it been flat? Has it gone up? Has</p> <p>11 it gone down?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I would have to</p> <p>14 look at a budget, though.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. Is that something that would be</p> <p>17 reflected in a budget?</p> <p>18 A. It would.</p> <p>19 (2018-2019 Biennial Budget,</p> <p>20 County of Cuyahoga County, Ohio,</p> <p>21 Bates CUYAH_000010910 through</p> <p>22 CUYAH_000011080, marked as</p> <p>23 Deposition Exhibit 3.)</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. I'm going to hand you a document</p>
<p style="text-align: right;">Page 159</p> <p>1 We can do that with the Tax Assessment</p> <p>2 Fund -- Tax Assessment Collection Fund.</p> <p>3 There's another one in the</p> <p>4 Treasurer's Office that I'm blanking on</p> <p>5 the name right now. Those are the ones</p> <p>6 that are jumping to mind.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Okay.</p> <p>9 You indicated that perhaps</p> <p>10 there's been a loss in revenue related to</p> <p>11 certification of titles. Did I understand</p> <p>12 that?</p> <p>13 A. No. That revenue is quite</p> <p>14 strong.</p> <p>15 Q. That revenue is strong. Okay.</p> <p>16 And then you also indicated</p> <p>17 property taxes might represent an overall</p> <p>18 loss for the county. But I thought you had</p> <p>19 said that the property values have actually</p> <p>20 increased 11 percent here in Cuyahoga County</p> <p>21 in the last three years?</p> <p>22 A. I don't believe I said that</p> <p>23 property taxes have gone down.</p> <p>24 Q. Okay.</p> <p>25 So property taxes also does not</p>	<p style="text-align: right;">Page 161</p> <p>1 marked as Exhibit 3. And that is the</p> <p>2 2018/2019 biennial budget for</p> <p>3 Cuyahoga County.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. In fact, your name is on the</p> <p>7 front page, right?</p> <p>8 A. It is.</p> <p>9 Q. You reviewed this?</p> <p>10 A. I did.</p> <p>11 Q. You helped generate it?</p> <p>12 A. I did.</p> <p>13 Q. Where would we look in this</p> <p>14 budget to see how property values or taxes</p> <p>15 have changed over time?</p> <p>16 A. So there would be two places.</p> <p>17 One, if you see the table of contents here,</p> <p>18 where it says the budget schedules? The</p> <p>19 schedules are in the back. They're the</p> <p>20 actual numbers, not the narrative.</p> <p>21 Q. That starts on page 154, right?</p> <p>22 A. So -- yeah. My pages aren't</p> <p>23 numbered -- but, yes.</p> <p>24 So the first page of the</p> <p>25 schedules -- are you following along or do</p>

<p style="text-align: right;">Page 162</p> <p>1 you just --</p> <p>2 Q. Yes. Let's just give the Bates</p> <p>3 numbers just for the record. I think they're</p> <p>4 in the bottom right-hand corner?</p> <p>5 A. 11064.</p> <p>6 Q. Thank you. 11064, which is</p> <p>7 identified -- just further for the record --</p> <p>8 as Schedule 1, right?</p> <p>9 A. That's correct.</p> <p>10 Q. What were you going to show us</p> <p>11 there?</p> <p>12 A. Schedule 1 is a report that</p> <p>13 summarizes financial data by fund. And what</p> <p>14 we're looking at here is the General</p> <p>15 Operating Fund.</p> <p>16 If you look at the first line</p> <p>17 under "operating revenue" is property taxes.</p> <p>18 Q. The General Government Fund? Is</p> <p>19 that what you were pointing me to?</p> <p>20 A. No, I'm sorry. Look up. Revenue</p> <p>21 is at the top.</p> <p>22 Q. "Operating revenue" at the very</p> <p>23 top, and then just under that, it says</p> <p>24 "property taxes"?</p> <p>25 A. Correct. In 2016 the</p>	<p style="text-align: right;">Page 164</p> <p>1 millions of dollars, right?</p> <p>2 A. I didn't say that the county</p> <p>3 revenue was losing tens of millions of</p> <p>4 dollars.</p> <p>5 I said that when we prepared the</p> <p>6 budget, we had to cut tens of millions of</p> <p>7 dollars so that it would balance. And</p> <p>8 budgets are based off of projections.</p> <p>9 Q. Is the total budget for 2018 and</p> <p>10 '19 larger or smaller than the one for 2016</p> <p>11 and '17?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I would want to see</p> <p>14 '16 and '17 before I comment on that. I</p> <p>15 didn't create that budget.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. You were in the office by 2016,</p> <p>18 right?</p> <p>19 A. I was. But the budget process --</p> <p>20 the budget had actually already been</p> <p>21 submitted by the time I got there.</p> <p>22 Q. Right.</p> <p>23 A. During the year -- during the</p> <p>24 year, the projections are really what</p> <p>25 matters.</p>
<p style="text-align: right;">Page 163</p> <p>1 General Fund collected \$12 million. Now,</p> <p>2 this book, keep in mind, was written in 2017,</p> <p>3 so we didn't have actuals yet.</p> <p>4 Q. You didn't have the estimate --</p> <p>5 you didn't have the reevaluation yet, right?</p> <p>6 A. No. And it wouldn't have</p> <p>7 impacted these numbers anyway. But I'm just</p> <p>8 pointing this out to say why that's why we</p> <p>9 don't have the '17 actual yet.</p> <p>10 But in 2017, the projection was</p> <p>11 12.5 million. I believe the actuals</p> <p>12 actually came in slightly less than that.</p> <p>13 And the 12.5 is what we used to base the</p> <p>14 budget on.</p> <p>15 And property tax revenues for</p> <p>16 2018 did come in less than that. It came in</p> <p>17 about 12.2 or 12.3 million. So a little bit</p> <p>18 up from '16, flat in '17.</p> <p>19 Q. So when you look at this under</p> <p>20 "operating revenue," you see various</p> <p>21 categories, including the property taxes, but</p> <p>22 there are several others, right?</p> <p>23 A. Uh-huh.</p> <p>24 Q. And you had indicated that the</p> <p>25 county's revenue overall is losing tens of</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. I'm really just trying to</p> <p>2 understand what you meant when you said that</p> <p>3 the revenue available to the county has been</p> <p>4 cut by tens of millions of dollars, and</p> <p>5 whether or not that's reflected in the actual</p> <p>6 budgeting materials that we have available to</p> <p>7 us.</p> <p>8 A. Well, I didn't say that revenue</p> <p>9 has been cut by tens of millions of dollars.</p> <p>10 What I said was that we had to cut tens of</p> <p>11 millions of dollars to balance the budget</p> <p>12 based on projections.</p> <p>13 So back in 2017 -- though you</p> <p>14 see, the third column from the right there,</p> <p>15 where it says "2018 final budget"? So our</p> <p>16 final budget in the General Operating Fund</p> <p>17 was 375 million, if you can see where it</p> <p>18 says "total expenditures." That's the total</p> <p>19 budget.</p> <p>20 In 2017, our projections for the</p> <p>21 General Fund were substantially larger than</p> <p>22 that. But this county has to make</p> <p>23 decisions, and we did. We added new fees.</p> <p>24 We increased the fees that the statutes</p> <p>25 allow us to increase, and we cut. We cut</p>

<p style="text-align: right;">Page 166</p> <p>1 from what we thought we would have been able</p> <p>2 to do to make sure that we had a budget that</p> <p>3 was balanced. And you can see, we're</p> <p>4 balanced by only a million dollars.</p> <p>5 Q. Okay.</p> <p>6 And you say you're balanced by a</p> <p>7 million dollars, meaning you have a million</p> <p>8 dollars' surplus in the budget?</p> <p>9 A. Well, at the time the budget was</p> <p>10 adopted, yes. That has not held true for</p> <p>11 2018.</p> <p>12 Q. Because you have had to make</p> <p>13 adjustments?</p> <p>14 A. We have made adjustments.</p> <p>15 Q. How many people report to you</p> <p>16 now?</p> <p>17 A. Ten.</p> <p>18 Q. How many people directly report</p> <p>19 to you? All ten?</p> <p>20 A. No. Three.</p> <p>21 Q. So there are ten people, analysts</p> <p>22 in your department, three of which are direct</p> <p>23 reports?</p> <p>24 A. They're not all analysts. We</p> <p>25 have two senior analysts, seven analysts, and</p>	<p style="text-align: right;">Page 168</p> <p>1 staff are constantly asking me for</p> <p>2 recommendations and analyses. They</p> <p>3 treat us like we're their staff too. I</p> <p>4 have a very good relationship with</p> <p>5 county council.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. They treat you like you work for</p> <p>8 the county?</p> <p>9 A. Yes. I don't mean that in a bad</p> <p>10 way. I mean that no decisions get made that</p> <p>11 don't get run by me.</p> <p>12 Q. What do you mean?</p> <p>13 A. Ultimately, when council will</p> <p>14 approve something, I'd know about it in</p> <p>15 advance, and I've usually been asked to give</p> <p>16 my recommendation on it.</p> <p>17 Q. And I think you've clarified a</p> <p>18 couple of times today that it's actually the</p> <p>19 county council that has the final say as to</p> <p>20 whether or not a budget for the county will</p> <p>21 be approved?</p> <p>22 A. Per the charter, that's correct.</p> <p>23 Q. And they do that by vote?</p> <p>24 A. They do.</p> <p>25 Q. And do they consult with you, as</p>
<p style="text-align: right;">Page 167</p> <p>1 one fiscal officer.</p> <p>2 Q. I notice here that the county</p> <p>3 council is not shown on this. I presume</p> <p>4 that's because this is a reflection of the</p> <p>5 executive branch of county government?</p> <p>6 I'm looking back now at</p> <p>7 Exhibit 2.</p> <p>8 A. That's correct. These are only</p> <p>9 the executive.</p> <p>10 Q. What is the relationship between</p> <p>11 the Office of Budget Management and the</p> <p>12 Cuyahoga County Council?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: I have no direct</p> <p>15 reporting to county council.</p> <p>16 Technically, we are an executive agency.</p> <p>17 But OBM is required by county code to</p> <p>18 provide a slew of reports and</p> <p>19 communications to county council. I</p> <p>20 have to give them a monthly update on</p> <p>21 the status of anything that's happening</p> <p>22 in the county. We give them quarterly</p> <p>23 books that aren't quite this big, but</p> <p>24 close to it.</p> <p>25 And county council members and</p>	<p style="text-align: right;">Page 169</p> <p>1 the director of the Office of Budget</p> <p>2 Management, as part of their deliberative</p> <p>3 process?</p> <p>4 A. They do.</p> <p>5 Q. Describe for us, if you can, the</p> <p>6 nature of that interaction with the council.</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: So to be clear, not</p> <p>9 all members of council. We have 11.</p> <p>10 Some are more engaged than others.</p> <p>11 So I meet with them at their</p> <p>12 request. If they ask me for -- you</p> <p>13 know, they'll email me and ask me to</p> <p>14 prepare financial analyses,</p> <p>15 benchmarking, looking at performance</p> <p>16 data and trends, specifics.</p> <p>17 They'll ask me, you know, "This</p> <p>18 agency asked for additional money.</p> <p>19 What do you think?"</p> <p>20 They tend to rely on us slightly</p> <p>21 more for the non-executive agencies, so</p> <p>22 the courts, the independent boards and</p> <p>23 commissions. And we hear about all of</p> <p>24 it.</p> <p>25</p>

<p style="text-align: right;">Page 170</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. What do you mean, you hear about</p> <p>3 all of it?</p> <p>4 A. Well, anything that happens with</p> <p>5 this budget goes through my office.</p> <p>6 Q. You indicated that some council</p> <p>7 members are more engaged than others. Who</p> <p>8 are the ones that are most engaged --</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. -- on budgeting issues?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: Dale Miller is the</p> <p>14 chair of the Finance and Budget</p> <p>15 Committee, so I would say he's the most</p> <p>16 engaged.</p> <p>17 But councilman Dan Brady, who is</p> <p>18 our president of council, is actively</p> <p>19 engaged. Councilwoman Sunny Simon.</p> <p>20 Councilwoman Yvonne Conwell.</p> <p>21 Councilwoman Nan Baker -- she's</p> <p>22 relatively new. Councilman Michael</p> <p>23 Gallagher.</p> <p>24 I'm trying to picture them in</p> <p>25 their chairs. Those are the ones that</p>	<p style="text-align: right;">Page 172</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. I just circled every name you</p> <p>3 gave me other than Nan Baker.</p> <p>4 A. Okay.</p> <p>5 Q. So they're all interested in and</p> <p>6 active --</p> <p>7 A. Absolutely.</p> <p>8 Q. -- on questions of budgeting and</p> <p>9 the impact of opiates?</p> <p>10 A. Yes.</p> <p>11 Q. All the ones you mentioned?</p> <p>12 A. That's correct.</p> <p>13 Q. Any others?</p> <p>14 A. Not that I can -- not that I</p> <p>15 would say offhand.</p> <p>16 Q. Let's start with Ms. Conwell.</p> <p>17 You indicated she's the chair of the HHS</p> <p>18 committee?</p> <p>19 A. She is.</p> <p>20 Q. Is it in that capacity that she</p> <p>21 has expressed a particular interest in</p> <p>22 budgeting and the impact of opiates in</p> <p>23 Cuyahoga County?</p> <p>24 A. I don't know what you mean by "in</p> <p>25 that capacity."</p>
<p style="text-align: right;">Page 171</p> <p>1 I interact with most frequently.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. You would say those are the</p> <p>4 council members who are most engaged on</p> <p>5 issues having to do with budget?</p> <p>6 A. At least as it relates to their</p> <p>7 communication with me. They might be</p> <p>8 incredibly engaged in -- you know.</p> <p>9 Q. Are there any of these council</p> <p>10 members or other council members who are</p> <p>11 particularly engaged on questions related to</p> <p>12 budgeting and the impact of opiates in</p> <p>13 Cuyahoga County?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: Yes. Yvonne</p> <p>16 Conwell. Councilwoman Yvonne Conwell is</p> <p>17 the chair of the Health and Human</p> <p>18 Services committee.</p> <p>19 Councilman Michael Gallagher is</p> <p>20 the chair of the Public Safety and</p> <p>21 Justice committee, so the court's</p> <p>22 medical ^team^ falls under that.</p> <p>23 Dale Miller and Dan Brady; those</p> <p>24 two are interested in everything.</p> <p>25 And Councilwoman Sunny Simon.</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. Let me make it more general. In</p> <p>2 what form has Ms. Conwell's interest in</p> <p>3 opiates and its impact on budgeting on</p> <p>4 Cuyahoga County, what form has it taken? How</p> <p>5 have you seen that?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: Questions that they</p> <p>8 ask in committee meetings, statements</p> <p>9 they make -- questions or statements</p> <p>10 they make in committee meetings,</p> <p>11 questions or statements they make in</p> <p>12 council meetings -- those are all</p> <p>13 public -- and questions she's asked of</p> <p>14 me.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. What questions has she asked of</p> <p>17 you?</p> <p>18 A. She's asked for financial data</p> <p>19 relative to departments that are affected.</p> <p>20 Q. What specific data has she asked</p> <p>21 you for?</p> <p>22 A. I can't recall offhand exactly</p> <p>23 what she's asked me for. I've been working</p> <p>24 with her for three years.</p> <p>25 Q. Can you describe generally?</p>

<p style="text-align: right;">Page 174</p> <p>1 A. She has asked me for data, 2 financial data, and statistical data. 3 Q. For which divisions, departments, 4 or programs? 5 A. Children and Family Services, the 6 one that would come immediate to mind. I 7 can't recall if there were others. 8 Q. You don't recall any others right 9 now? 10 A. That's correct. 11 Q. Have you privately met with 12 Ms. Conwell about this subject? 13 MR. BADALA: Objection to form. 14 THE WITNESS: I can't recall 15 that. 16 BY MR. BOEHM: 17 Q. Have you emailed with Ms. Conwell 18 about the subject of opiates and its impact 19 on county budgeting? 20 A. I can't recall in what form 21 specific conversations took place. 22 Q. You indicated she requested 23 certain data. Did she do that by email? Did 24 she pick up the phone and call you? 25 A. I can't recall what specific form</p>	<p style="text-align: right;">Page 176</p> <p>1 2016? 2 MR. BADALA: Objection to form. 3 THE WITNESS: No. I get a number 4 of requests every day. Like I say, I 5 don't recall the specific conversations, 6 so I'm not going to guess at whether it 7 took place six months ago or three years 8 ago. 9 BY MR. BOEHM: 10 Q. Do you recall what you said back 11 to Ms. Conwell in response to her inquiry? 12 MR. BADALA: Objection to form. 13 THE WITNESS: I don't. 14 BY MR. BOEHM: 15 Q. Do you recall specifically what 16 the data showed that you sent back to 17 Ms. Conwell? 18 A. I don't recall what specific data 19 I sent her. 20 Q. Has Ms. Conwell's interest in 21 opiates and budgeting manifest in any other 22 ways that we haven't already discussed? 23 MR. BADALA: Objection to form. 24 THE WITNESS: Not with me. 25</p>
<p style="text-align: right;">Page 175</p> <p>1 those specific communications took place. I 2 talked to these council members on a host of 3 issues. 4 Q. Did you send her the data she 5 asked for? 6 A. Of course. 7 Q. When was that? 8 A. I can't recall. 9 Q. Was it this year? 10 A. I can't recall. 11 Q. You cannot recall whether it was 12 during 2018? 13 A. No, I can't. 14 Q. So it wasn't within the last six 15 months? 16 MR. BADALA: Objection to form. 17 THE WITNESS: I said I can't 18 recall. 19 BY MR. BOEHM: 20 Q. So if Ms. Conwell had asked you 21 for specific data having to do with budgeting 22 and opiates that particularly concerns the 23 Department of Children and Family Services 24 within the last six months, you wouldn't be 25 able to discern that from a request from</p>	<p style="text-align: right;">Page 177</p> <p>1 BY MR. BOEHM: 2 Q. Let's go to Mr. Gallagher. You 3 said that Mr. Gallagher is the chair of the 4 Public Safety and Justice Committee, right? 5 A. Uh-huh. 6 Q. And how has his interest in 7 opiates and its impact on expenditures and 8 budgets in the county manifest? 9 A. Similar as Councilwoman Conwell, 10 statements that he makes in committee and 11 council meetings, questions that he asks in 12 committee and council meetings. They've had 13 a number of presentations from agencies that 14 are affected, including the juvenile court 15 and the Medical Examiner's office. 16 Q. Has he specifically asked you to 17 perform any computations or calculations 18 about how the opiate issues in the county 19 have impacted expenditures? 20 MR. BADALA: Objection to form. 21 THE WITNESS: I don't believe 22 that he has. 23 BY MR. BOEHM: 24 Q. Has Ms. Conwell ever asked you to 25 perform any computations or calculations</p>

<p style="text-align: right;">Page 178</p> <p>1 about how opiate abuse or misuse has impacted</p> <p>2 specific expenditures by the county?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: I don't believe</p> <p>5 that she has.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Has anyone from the county</p> <p>8 council ever asked you to perform any</p> <p>9 computations or calculations designed to</p> <p>10 determine what specific impacts opiate abuse</p> <p>11 and misuse have had on actual expenditures in</p> <p>12 the county?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: So I did provide</p> <p>15 them, and I don't know who asked for it,</p> <p>16 but in one of my monthly updates, I know</p> <p>17 I was asked to provide data on the</p> <p>18 Medical Examiner's office.</p> <p>19 So I provided them statistics on</p> <p>20 toxicology tests, autopsies, and</p> <p>21 overdose deaths.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Where did you get the data that</p> <p>24 you provided to them?</p> <p>25 A. The statistical data I received</p>	<p style="text-align: right;">Page 180</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: I don't believe so.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. Has the county executive ever</p> <p>5 asked you to do that?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: I don't recall.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. You don't recall the county</p> <p>10 executive ever asking you to perform a</p> <p>11 computation or a calculation of the total</p> <p>12 opiate-specific expenditures to</p> <p>13 Cuyahoga County?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. Correct?</p> <p>17 A. That's correct.</p> <p>18 What I would provide is -- for</p> <p>19 example, historical data on a particular</p> <p>20 agency, this is what they spent in the last</p> <p>21 ten years, give that same -- you know, for</p> <p>22 the same period, statistical data, and I</p> <p>23 don't take it any further than that.</p> <p>24 Q. You don't try and analyze or</p> <p>25 calculate the data that you have to try and</p>
<p style="text-align: right;">Page 179</p> <p>1 from the Medical Examiner's office.</p> <p>2 Financial data I have.</p> <p>3 Q. How did you go about making the</p> <p>4 computation in terms of the financial</p> <p>5 figures?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: I didn't make a</p> <p>8 computation. I submitted what the</p> <p>9 actual financial costs were for that</p> <p>10 office.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. I see. Okay.</p> <p>13 So you were not trying to</p> <p>14 specifically differentiate between the</p> <p>15 office's overall costs for toxicology,</p> <p>16 autopsies, and overdose deaths from those</p> <p>17 that are specifically related to opiates?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: Not in that update,</p> <p>20 no.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. Any other requests that you can</p> <p>23 think of from the county council to compute</p> <p>24 or calculate opiate-specific related</p> <p>25 expenditures to the county?</p>	<p style="text-align: right;">Page 181</p> <p>1 tease out why expenditures might go up or</p> <p>2 down --</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 BY MR. BOEHM:</p> <p>5 Q. -- with respect to any</p> <p>6 differences you would see; is that fair?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: No, I do. I</p> <p>9 absolutely use data to try to understand</p> <p>10 why expenditures go up or down.</p> <p>11 What I have not done is look</p> <p>12 specifically at -- for example, abuse</p> <p>13 dependency neglect filings in juvenile</p> <p>14 court have increased substantially. I</p> <p>15 know that they have increased by a</p> <p>16 certain percentage. I know the cost of</p> <p>17 those filings. I know the cost of the</p> <p>18 guardian ad litem that get assigned to</p> <p>19 all those children.</p> <p>20 I don't know how many of those</p> <p>21 filings -- I don't know the underlying</p> <p>22 costs of those filings.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. Okay.</p> <p>25 A. That would be data that the court</p>

<p style="text-align: right;">Page 182</p> <p>1 has, or the agencies themselves have.</p> <p>2 MR. BADALA: So we've been going</p> <p>3 for another hour. Do you want to take a</p> <p>4 break for lunch now, 30 minutes?</p> <p>5 MR. BOEHM: Fine with me.</p> <p>6 THE VIDEOGRAPHER: Off the</p> <p>7 record, 12:19.</p> <p>8 (Recess taken, 12:19 p.m. to</p> <p>9 1:04 p.m.)</p> <p>10 -----</p> <p>11 AFTERNOON SESSION</p> <p>12 -----</p> <p>13 THE VIDEOGRAPHER: We're on the</p> <p>14 record. 1:04.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. Welcome back, Ms. Keenan, after</p> <p>17 lunch. I hope you had a nice lunch.</p> <p>18 We were talking about these</p> <p>19 budget plans earlier today and about how one</p> <p>20 purpose of the budget plans is to</p> <p>21 communicate with the community about what's</p> <p>22 happening in terms of the financial</p> <p>23 condition of the county; is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Is it fair to say that you try to</p>	<p style="text-align: right;">Page 184</p> <p>1 entertaining requests for new funding except</p> <p>2 from a handful of agencies.</p> <p>3 Q. From which agencies -- well, let</p> <p>4 me start by asking you for which years you're</p> <p>5 referring to where you were not entertaining</p> <p>6 budgeting requests.</p> <p>7 A. With few exceptions, we did not</p> <p>8 entertain requests for new money for the</p> <p>9 current biennial budget.</p> <p>10 Q. For the 2018/19 budget?</p> <p>11 A. That's correct.</p> <p>12 Q. That's the one that's been marked</p> <p>13 Exhibit 3 to your deposition?</p> <p>14 A. That's correct.</p> <p>15 Q. For which divisions, departments,</p> <p>16 or programs were you accepting budgeting</p> <p>17 requests?</p> <p>18 A. So we had requested cuts from</p> <p>19 most agencies, but not all that received</p> <p>20 funding from either the General Fund or the</p> <p>21 Health and Human Services Levy Fund.</p> <p>22 Juvenile court was asked to take</p> <p>23 a substantial, multi-million-dollar cut, and</p> <p>24 they came back and requested the money back,</p> <p>25 in large part, because they have seen a</p>
<p style="text-align: right;">Page 183</p> <p>1 be as accurate as possible when you</p> <p>2 communicate with the citizens of the county</p> <p>3 through the budget plans?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: That's correct.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Do you know of any errors or</p> <p>8 mistakes or misstatements or critical</p> <p>9 omissions from the budgets during the years</p> <p>10 that you've been at the Office of Budget</p> <p>11 Management?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I am not aware of</p> <p>14 any mistakes, no.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. As part of the process for</p> <p>17 developing a budget, do heads of departments,</p> <p>18 divisions, and programs make requests to the</p> <p>19 Office of Budget Management for funding?</p> <p>20 A. They can.</p> <p>21 Q. They can, but are they not</p> <p>22 required to do that?</p> <p>23 A. They're not required to do that.</p> <p>24 Q. Okay.</p> <p>25 A. The last several years we weren't</p>	<p style="text-align: right;">Page 185</p> <p>1 dramatic increase in the number of abuse,</p> <p>2 dependency, neglect filings driven by the</p> <p>3 opiate epidemic. Our guardian ad litem</p> <p>4 expenses have been going up. So the court</p> <p>5 said they were completely incapable of</p> <p>6 operating with fewer dollars.</p> <p>7 The jail -- so the sheriff's</p> <p>8 office, the jail, did not take a cut. We</p> <p>9 had originally proposed one, but they also</p> <p>10 said they couldn't operate with fewer</p> <p>11 dollars. We've had -- it's not the highest</p> <p>12 ADP we've ever had, average daily</p> <p>13 population, but it's substantially over what</p> <p>14 it should be, and we have more inmates in</p> <p>15 this facility that are coming in addicted</p> <p>16 than we've had, according to the sheriff's</p> <p>17 office, in the last several years, which</p> <p>18 creates a financial liability for the</p> <p>19 county.</p> <p>20 The Department of Health and</p> <p>21 Human Services did take a cut, but they</p> <p>22 asked in a sense for us to set aside a</p> <p>23 reserve for them totaling \$7 million because</p> <p>24 they collectively anticipated that their</p> <p>25 costs were going to continue to rise. The</p>

<p style="text-align: right;">Page 186</p> <p>1 largest driver of that would be the</p> <p>2 Department of Children and Family Services.</p> <p>3 To date, they have drawn down</p> <p>4 all but 900,000 of that \$7 million reserve.</p> <p>5 So they did receive substantial increase in</p> <p>6 funding because the number of children in</p> <p>7 care has gone up, due in part to the opiate</p> <p>8 epidemic.</p> <p>9 Q. Were there any other departments,</p> <p>10 divisions, or programs that were permitted to</p> <p>11 request budgeting expenditures increases or</p> <p>12 no cuts?</p> <p>13 A. The Department of Information</p> <p>14 Technology received an increase in its</p> <p>15 budget. I forget exactly how much, but they</p> <p>16 did receive an increase.</p> <p>17 And I believe the Department of</p> <p>18 Development received an increase in its</p> <p>19 budget for economic development. That is a</p> <p>20 charter mandate for the county economic</p> <p>21 development.</p> <p>22 Q. How much was the Department of</p> <p>23 Information Technology's budget increase?</p> <p>24 A. If you can give me a minute -- I</p> <p>25 don't know offhand. I can go through the</p>	<p style="text-align: right;">Page 188</p> <p>1 county offers loans and grants for</p> <p>2 Brownfield Redevelopment. I don't remember</p> <p>3 what else they got.</p> <p>4 Q. When a division or a department</p> <p>5 or a program makes a request for funding</p> <p>6 through the budgeting process, in what form</p> <p>7 is that submission made?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: It could be any</p> <p>10 number of ways. They, meaning the</p> <p>11 agencies, could email a request. They</p> <p>12 could submit a formal, you know, like</p> <p>13 memo, write-up request. Sometimes it's</p> <p>14 conversations that we have in meetings,</p> <p>15 hallways, to come meet with their</p> <p>16 assigned analyst or me. So multiple</p> <p>17 avenues to get requests in.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. So a department or division</p> <p>20 program head can make a request for</p> <p>21 additional funding in the hallway?</p> <p>22 A. Absolutely. I mean, ultimately</p> <p>23 the analysts and my office will likely ask</p> <p>24 for additional justification that could come</p> <p>25 in any form, depending on what the request</p>
<p style="text-align: right;">Page 187</p> <p>1 documents.</p> <p>2 Q. We'll be going through this, so</p> <p>3 we can get to it.</p> <p>4 A. Okay.</p> <p>5 Q. Do you know why the Department of</p> <p>6 Information Technology was permitted to have</p> <p>7 a budget increase, whereas some departments</p> <p>8 weren't?</p> <p>9 A. They had presented just a need</p> <p>10 for increased -- as you can imagine, more and</p> <p>11 more of our costs are on the IT side, and</p> <p>12 it's maintenance contracts for our systems.</p> <p>13 I don't recall specifically what they were</p> <p>14 asking for the additional funding for, but --</p> <p>15 Q. How about the Department of</p> <p>16 Development? Why was the Department of</p> <p>17 Development permitted to have increased</p> <p>18 funds?</p> <p>19 A. Because of the charter mandate to</p> <p>20 invest in economic development.</p> <p>21 And they did not receive a</p> <p>22 substantial increase. I can't remember</p> <p>23 offhand what it was, but I know they got</p> <p>24 additional funding for a position to work in</p> <p>25 our Brownfield Redevelopment program, so the</p>	<p style="text-align: right;">Page 189</p> <p>1 is, and then our analysts are the ones who</p> <p>2 actually key it into the system.</p> <p>3 Q. Into what system are requests</p> <p>4 keyed into?</p> <p>5 A. Into the county's budget and</p> <p>6 reporting system, which is referred by the</p> <p>7 acronym BRASS, B-R-A-S-S.</p> <p>8 Q. Are all budgeting requests from</p> <p>9 divisions, departments, and programs input</p> <p>10 into the BRASS system?</p> <p>11 A. No. If the request is not</p> <p>12 funded, it might not be entered into BRASS,</p> <p>13 if it's just a non-starter from the</p> <p>14 beginning.</p> <p>15 MR. BOEHM: Let's go off the</p> <p>16 record.</p> <p>17 THE VIDEOGRAPHER: Off the</p> <p>18 record. 1:13.</p> <p>19 (Recess taken, 1:13 p.m. to</p> <p>20 1:14 p.m.)</p> <p>21 THE VIDEOGRAPHER: On the record,</p> <p>22 1:14.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. Why would a budgeting request be</p> <p>25 entered into BRASS, versus circumstances when</p>

<p style="text-align: right;">Page 190</p> <p>1 it wouldn't be entered into BRASS?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: BRASS is a system</p> <p>4 that we use to create the budget. So if</p> <p>5 we know that the request is not going to</p> <p>6 be approved or it already has not been</p> <p>7 approved by the executive, we don't put</p> <p>8 it in the system always.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. What if somebody sends you an</p> <p>11 email and says, "Hey, Maggie, I need more</p> <p>12 money and here's how much I need and here's</p> <p>13 what it's for"? Does that get entered into</p> <p>14 some sort of system so that we can track</p> <p>15 requests that come in?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. Why not?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. What about memos that are</p> <p>24 submitted requesting additional funds? Is</p> <p>25 there any system that the Office of Budget</p>	<p style="text-align: right;">Page 192</p> <p>1 for the submission of budget requests?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: For some years a</p> <p>4 form was sent out to the agencies asking</p> <p>5 them to use that to submit any requests</p> <p>6 for additional funding or request for --</p> <p>7 not request for cuts, but if we asked</p> <p>8 for cuts. Some years there were those</p> <p>9 forms; some years there were not.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. What's the practice and procedure</p> <p>12 of the Office of Budget Management under your</p> <p>13 direction in terms of whether or not budget</p> <p>14 request forms are used for submitting</p> <p>15 requests?</p> <p>16 A. Budget request forms were used</p> <p>17 for the biennial budget.</p> <p>18 Q. For the 2018 and 2019 biennial</p> <p>19 budget?</p> <p>20 A. That's correct.</p> <p>21 Q. So is it fair to say that any</p> <p>22 budget requests that came in to the Office of</p> <p>23 Budget Management in connection with the 2018</p> <p>24 and '19 budget would have been submitted</p> <p>25 through budget request forms?</p>
<p style="text-align: right;">Page 191</p> <p>1 Management has in place to track those kinds</p> <p>2 of requests for funds?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: We have, I mean,</p> <p>5 files on the computer that we will store</p> <p>6 documents.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Do those get stored in kind of a</p> <p>9 folder that's dedicated to funding requests?</p> <p>10 A. They could be stored either in a</p> <p>11 folder that's dedicated to funding requests</p> <p>12 or a folder that's dedicated to the agency.</p> <p>13 The analysts maintain their own files.</p> <p>14 Q. Okay.</p> <p>15 So if we wanted to know what all</p> <p>16 the requests have been for budgets from the</p> <p>17 division, department, and program heads in</p> <p>18 Cuyahoga County, how would we go about</p> <p>19 collecting that set of materials?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: Well, as I told</p> <p>22 you, it doesn't always exist.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. Does the Office of Budget</p> <p>25 Management have some kind of approved form</p>	<p style="text-align: right;">Page 193</p> <p>1 A. No, that's not fair. Not all</p> <p>2 agencies comply with my requests, so --</p> <p>3 Q. So you don't -- I'm sorry. Go</p> <p>4 ahead.</p> <p>5 A. I mean, I can't control what they</p> <p>6 do.</p> <p>7 Q. Well, you could. You could say,</p> <p>8 "We don't accept requests out of the ordinary</p> <p>9 course."</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Do you do that?</p> <p>13 A. Sometimes I do; sometimes I</p> <p>14 don't. I have a \$2 billion budget to</p> <p>15 supervise. I have 12 elected officials that</p> <p>16 I have to wrangle, and I have 10 staff.</p> <p>17 So sometimes it's not as</p> <p>18 important for me to stand on principle to</p> <p>19 make sure they're using the right piece of</p> <p>20 paper as it is to make sure that I get the</p> <p>21 right data to support any request that comes</p> <p>22 in.</p> <p>23 Q. Where do the budget request forms</p> <p>24 that you do receive get stored?</p> <p>25 A. Like I said, the analyst will</p>

<p style="text-align: right;">Page 194</p> <p>1 store them. And they're either in folders 2 that are specific to agencies or folders that 3 are specific to the budget. I don't dictate 4 how my staff maintains their files. 5 Q. Have you received, as the 6 director of the Office of Budget Management, 7 any funding requests from a Cuyahoga 8 department, division, or program, that is 9 specific to addressing issues of opiate use 10 or abuse? 11 MR. BADALA: Objection to form. 12 THE WITNESS: I have. I received 13 a request from the Medical Examiner's 14 office. 15 That came -- I don't recall 16 specifically if it was to me with a 17 copy to the analyst or vice versa, but 18 I copy of it for an additional 19 pathologist. 20 The medical examiner had 21 submitted a separate request for 22 additional funding, not personnel 23 related, but just to cover, I believe, 24 testing supplies and other expenses 25 associated with running the office.</p>	<p style="text-align: right;">Page 196</p> <p>1 Health Services Board of Cuyahoga 2 County, they are, you know, the now 3 combined Mental Health and Drug. They 4 requested additional funding in 2017 5 for 2018. 6 I believe the request -- the 7 initial request was \$20 million. I 8 think that was ultimately taken down 9 because the county would have initially 10 been very clear that we simply didn't 11 have \$20 million. And that was 12 specific to the opiate crisis. 13 For right now, that's all I can 14 think of. 15 BY MR. BOEHM: 16 Q. Thank you. I appreciate that. 17 Now, for each of those 18 categories that you just listed, are you 19 saying that those are all divisions, 20 departments, or programs that came to the 21 Office of Budget Management and made a 22 request for additional funding specifically 23 related to issues of opiate abuse or misuse? 24 MR. BADALA: Objection to form. 25 THE WITNESS: That is correct,</p>
<p style="text-align: right;">Page 195</p> <p>1 The juvenile court has submitted 2 a request for funding due, in large 3 part, to the increase in caseloads. 4 And the only caseloads that rose in the 5 juvenile court -- excuse me -- with any 6 significant amount was abuse, 7 dependency, and neglect. 8 The sheriff's office has been 9 provided additional funding to cover 10 medical expenses associated with the 11 inmates in the county jail who are 12 opiate-addicted. Previously, the 13 inmates who were receiving 14 medically-assisted treatment had to be 15 taken off site to a hospital for that 16 treatment. 17 And when we remove an inmate 18 from the facility, he or she has to be 19 accompanied by two law enforcement 20 deputies, not corrections officers. 21 And so our overtime costs in the deputy 22 division, we had to provide additional 23 funding to cover those costs. 24 The ADAMHS Board, which is the 25 Alcohol Drug Addiction and Mental</p>	<p style="text-align: right;">Page 197</p> <p>1 with the exception of the ADAMHS Board, 2 which notified me of their request, but 3 did not formally make it to me. 4 BY MR. BOEHM: 5 Q. Who did they make it to? 6 A. I'm actually unclear whether they 7 went to Armond -- the executive first or 8 council, but I know both of them. We all saw 9 the request. 10 Q. Are you familiar with Ohio Public 11 Record laws in terms of the maintaining of 12 public records? 13 A. I am. 14 Q. Do you endeavor to follow those 15 in your role as director of the Office of 16 Budget Management for Cuyahoga County? 17 A. I do. 18 Q. What do you understand your 19 obligation to be vis-a-vis those laws in 20 connection with budgeting requests? 21 MR. BADALA: Objection to form. 22 THE WITNESS: The Office of 23 Budget Management will maintain 24 documents related to the budget process. 25 I can't specifically say how far we go</p>

<p style="text-align: right;">Page 198</p> <p>1 back. I know we go far back, several</p> <p>2 years, that we maintain electronic files</p> <p>3 that are copies of our -- you know, the</p> <p>4 draft budgets, some of our work papers</p> <p>5 that go into the budget process, and</p> <p>6 requests that come from the agencies.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Do you understand your process</p> <p>9 for maintaining or not maintaining budget</p> <p>10 requests put to the Office of Budget</p> <p>11 Management for Cuyahoga County to be in</p> <p>12 compliance with Ohio Public Record laws?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: To my knowledge, we</p> <p>15 are compliant.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Now, you've just identified some</p> <p>18 entities that made requests, you believe, in</p> <p>19 connection with opiate abuse or misuse issues</p> <p>20 most recently.</p> <p>21 My question now to you is</p> <p>22 whether or not prior to this most recent</p> <p>23 round of budgeting, the request process, and</p> <p>24 the completion of the budget that we've been</p> <p>25 looking at now that's attached to this</p>	<p style="text-align: right;">Page 200</p> <p>1 recent round and then the one instance</p> <p>2 pre-2013 where you recall the ADAMHS Board</p> <p>3 had a particular request; is that correct?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: That's correct.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Were any of the requests that</p> <p>8 you've identified from these various</p> <p>9 departments for opiate-related funds denied</p> <p>10 by county government?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: No. Well, the</p> <p>13 ADAMHS Board request was denied.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. Which ADAMHS Board request are</p> <p>16 you referring to? The \$20 million request</p> <p>17 most recently?</p> <p>18 A. That's correct.</p> <p>19 Q. And you said it was scaled</p> <p>20 downward, right?</p> <p>21 A. I believe it was scaled down to</p> <p>22 5 million.</p> <p>23 Q. So you believe 5 million was the</p> <p>24 amount that was granted?</p> <p>25 A. No, no. They were denied. They</p>
<p style="text-align: right;">Page 199</p> <p>1 transcript as Exhibit 3, do you recall any</p> <p>2 other instances where divisions,</p> <p>3 departments, or programs made specific</p> <p>4 requests of the Office of Budget Management</p> <p>5 for funding related specifically to the</p> <p>6 issue of opiate use or abuse?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: Well, I couldn't</p> <p>9 tell you what year, but I can tell you</p> <p>10 that it was prior to 2013. So I know</p> <p>11 that the ADAMHS Board has requested</p> <p>12 funding specific to opiate treatment.</p> <p>13 And then I would have to look at the</p> <p>14 documents for the 2016/2017 budget</p> <p>15 because, as I said, I came when it had</p> <p>16 already been submitted, so I don't know</p> <p>17 what was specifically requested or what</p> <p>18 was just in the base budget.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. Sitting here today, you cannot</p> <p>21 recall any instances of a department,</p> <p>22 division, program coming to the Office of</p> <p>23 Budget Management and making an</p> <p>24 opiate-specific request for funding other</p> <p>25 than the ones you identified for this most</p>	<p style="text-align: right;">Page 201</p> <p>1 did not receive any increase in funding.</p> <p>2 Q. Oh, I see. So what is the</p> <p>3 \$5 million figure that you just referred to?</p> <p>4 A. I believe their initial request</p> <p>5 for funding was 20. I believe when we told</p> <p>6 them absolutely not, they said, "Can we have</p> <p>7 five?" And we said, "We don't have it."</p> <p>8 Q. So you said no even to the</p> <p>9 5 million?</p> <p>10 A. We did. We had to cut in the</p> <p>11 Levy Fund and the budget that we finally</p> <p>12 settled on was still out of balance by</p> <p>13 \$6 million.</p> <p>14 Q. Have any Cuyahoga County Council</p> <p>15 members ever made a request of the Office of</p> <p>16 Budget Management to increase funding to any</p> <p>17 division, department, or program,</p> <p>18 specifically related to issues of opiate use</p> <p>19 or abuse?</p> <p>20 A. Council doesn't make requests of</p> <p>21 OBM. Council just does.</p> <p>22 Q. Do you know of any instance where</p> <p>23 the county council has directed that</p> <p>24 additional funds be sent to divisions,</p> <p>25 departments, or programs of Cuyahoga County</p>

<p style="text-align: right;">Page 202</p> <p>1 specific to the issue of opiate use or abuse?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: In 2018, Children</p> <p>4 and Family Services did receive an</p> <p>5 additional 1.6 million. That was agreed</p> <p>6 on by both the executive and council.</p> <p>7 And that was attributed to the rising</p> <p>8 caseloads, which has been attributed by</p> <p>9 their director, Cindy Weiskittel, to the</p> <p>10 opiate crisis.</p> <p>11 I can't recall any other time</p> <p>12 when council has directed us to amend</p> <p>13 the budget.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. What about from the county</p> <p>16 executive?</p> <p>17 A. Well, any request that is made to</p> <p>18 council comes from the county executive. The</p> <p>19 county executive did authorize at least the</p> <p>20 recommendation of funds for the</p> <p>21 Medical Examiner's office, additional funding</p> <p>22 for the jail, and no cut to juvenile court.</p> <p>23 Q. Just to be clear, though, I'm not</p> <p>24 asking you about whether or not they agreed</p> <p>25 to the request that was made by the division,</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. Where would we go to find that</p> <p>2 information out?</p> <p>3 A. I would have to look in my files.</p> <p>4 Q. Was there a formal budget request</p> <p>5 that was made from the Cuyahoga County Office</p> <p>6 of the medical examiner?</p> <p>7 A. There was.</p> <p>8 Q. Would that be in BRASS?</p> <p>9 A. The medical examiner doesn't have</p> <p>10 access to BRASS. He submitted a request to</p> <p>11 us in memo form, requesting additional</p> <p>12 funding, and that included supporting</p> <p>13 documentation for the request.</p> <p>14 Q. Would staff at the Office of</p> <p>15 Budget Management take the request from the</p> <p>16 Cuyahoga County Office of the Medical</p> <p>17 Examiner and enter that information into the</p> <p>18 BRASS system?</p> <p>19 A. No. That request was made</p> <p>20 mid-year, which means that we would have made</p> <p>21 the adjustment in what's referred to as</p> <p>22 FAMIS, F-A-M-I-S, which is the county's</p> <p>23 financial system.</p> <p>24 Q. Does FAMIS contain information</p> <p>25 about budget requests?</p>
<p style="text-align: right;">Page 203</p> <p>1 the department, or the program.</p> <p>2 I'm asking if you're aware of an</p> <p>3 instance where the county executive has</p> <p>4 directed that funds be sent to a department,</p> <p>5 division, or program, specific to addressing</p> <p>6 issues having to do with opiate use or</p> <p>7 abuse.</p> <p>8 A. Do you mean without the agency</p> <p>9 asking for it?</p> <p>10 Q. Correct.</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: No. I cannot</p> <p>13 recall.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. With respect to the medical</p> <p>16 examiner request, I think you said that the</p> <p>17 request was to pay for testing supplies and</p> <p>18 other office administration expenses?</p> <p>19 A. Testing supplies. They also had</p> <p>20 a larger request to hire an additional</p> <p>21 pathologist.</p> <p>22 Q. How much were they asking for?</p> <p>23 How much was the medical examiner's office</p> <p>24 requesting?</p> <p>25 A. I don't recall specifically.</p>	<p style="text-align: right;">Page 205</p> <p>1 A. It does not. What would have</p> <p>2 been typed into FAMIS was the approved</p> <p>3 edition.</p> <p>4 Q. You don't know how much the</p> <p>5 medical examiner's request for additional</p> <p>6 funds was?</p> <p>7 A. No.</p> <p>8 Q. You mentioned the juvenile court.</p> <p>9 Do you know how much the</p> <p>10 juvenile court was asking for?</p> <p>11 A. I don't recall. I know it was</p> <p>12 more than a million.</p> <p>13 Q. How much more than a million?</p> <p>14 A. I don't recall.</p> <p>15 Q. Can you give me a range?</p> <p>16 A. No.</p> <p>17 Q. It could have been a hundred</p> <p>18 million?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: It was not a</p> <p>21 hundred million.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Can you narrow it down even a</p> <p>24 little bit for me?</p> <p>25 A. Under ten million.</p>

<p style="text-align: right;">Page 206</p> <p>1 Q. Between one and ten million?</p> <p>2 A. Yes.</p> <p>3 Q. How much was approved for the</p> <p>4 juvenile court?</p> <p>5 A. Whatever they asked for, they</p> <p>6 got.</p> <p>7 Q. With respect to the medical</p> <p>8 examiner request, you weren't sure how much</p> <p>9 they requested. How much was approved?</p> <p>10 A. Whatever they asked for.</p> <p>11 Q. You indicated that the sheriff's</p> <p>12 department made a request for additional</p> <p>13 funding related to inmate medical expenses,</p> <p>14 right?</p> <p>15 A. That's correct.</p> <p>16 Q. How much did the sheriff's</p> <p>17 department ask for?</p> <p>18 A. I don't recall.</p> <p>19 Q. Can you give me a range?</p> <p>20 A. I can't.</p> <p>21 Q. How much was given in response to</p> <p>22 that request?</p> <p>23 A. Whatever they asked for, because</p> <p>24 the sheriff, their funding was specific to --</p> <p>25 it was based on the projections. So they</p>	<p style="text-align: right;">Page 208</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. They're the ones who have final</p> <p>3 authority in terms of the recommendations and</p> <p>4 finalization of the budget, fair?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: Dan Brady does not</p> <p>7 have final authority. We put him on</p> <p>8 there as a representative of county</p> <p>9 council and as a show of respect because</p> <p>10 he was voted president, but he has no</p> <p>11 more authority than any other council</p> <p>12 member.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. He's a representative of county</p> <p>15 council who does have the authority to pass a</p> <p>16 resolution, putting the budget into effect,</p> <p>17 right?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: That's correct.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. And I see that Dennis Kennedy's</p> <p>22 name is also on the cover page of the budget,</p> <p>23 right?</p> <p>24 A. That's correct.</p> <p>25 Q. Why is his name on here?</p>
<p style="text-align: right;">Page 207</p> <p>1 weren't asking to do something new, per se,</p> <p>2 but they were just saying, "Hey, our overtime</p> <p>3 is up. Our runs are up. Medical costs are</p> <p>4 up. We need to cover payroll. We need to</p> <p>5 cover all of the contract costs."</p> <p>6 Q. Okay.</p> <p>7 We're going to come back to some</p> <p>8 of those categories in a moment.</p> <p>9 Let's turn back for now to the</p> <p>10 document -- you already have it in front of</p> <p>11 you, the 2018/2019 biennial budget.</p> <p>12 We already mentioned that your</p> <p>13 name is on the bottom on the third page?</p> <p>14 A. That's correct.</p> <p>15 Q. At the top there are the names of</p> <p>16 county executive and Dan Brady, the president</p> <p>17 of the Cuyahoga County Council.</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Why are their names at the top of</p> <p>21 this document?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: Because they</p> <p>24 represent the county's leadership.</p> <p>25</p>	<p style="text-align: right;">Page 209</p> <p>1 A. Because Dennis is my boss.</p> <p>2 Q. Does he participate in the</p> <p>3 preparation of the budget?</p> <p>4 A. He does not.</p> <p>5 Q. He doesn't have any oversight</p> <p>6 responsibility for it?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: He does not</p> <p>9 participate in the preparation of the</p> <p>10 budget.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Does he have oversight</p> <p>13 responsibility for it?</p> <p>14 A. Dennis supervises me, so yes.</p> <p>15 Q. What is the nature of</p> <p>16 Mr. Kennedy's oversight of budgeting and</p> <p>17 expenditures for the county?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: Dennis Kennedy is</p> <p>20 the chief financial officer as the</p> <p>21 fiscal officer. As I mentioned, he</p> <p>22 serves as our county auditor and county</p> <p>23 recorder.</p> <p>24 He supervises the Office of</p> <p>25 Budget Management, but I generally have</p>

<p style="text-align: right;">Page 210</p> <p>1 full authority over this office. He</p> <p>2 does not participate in the budget</p> <p>3 process, and I am free to make</p> <p>4 recommendations directly to Armond as I</p> <p>5 see fit.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. This budget has some background</p> <p>8 information that I thought was helpful and I</p> <p>9 thought we could look at it together.</p> <p>10 If you could turn with me to the</p> <p>11 page that has been numbered at the bottom</p> <p>12 11008. It's about halfway through -- a</p> <p>13 little more than halfway through. It says</p> <p>14 "fund budgets."</p> <p>15 A. Okay.</p> <p>16 Q. And on the next page here in this</p> <p>17 section, it says that the county maintains a</p> <p>18 fund accounting system.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. What does that mean?</p> <p>22 A. It means that our activity is</p> <p>23 captured in distinct funds.</p> <p>24 Q. What is a fund in this context?</p> <p>25 A. A fund is an independent,</p>	<p style="text-align: right;">Page 212</p> <p>1 types.</p> <p>2 Q. Right. But there are no major</p> <p>3 fund types not included on this list,</p> <p>4 correct?</p> <p>5 A. That's correct.</p> <p>6 Q. If you look down toward the</p> <p>7 bottom of the page, I think we have a</p> <p>8 reflection of the overall Cuyahoga County</p> <p>9 budget divided up by fund type; is that</p> <p>10 right?</p> <p>11 A. This is the county's operating</p> <p>12 budget. So that's partially correct. But</p> <p>13 this does not include grants, which would be</p> <p>14 considered special revenue funds, and capital</p> <p>15 projects, which would also be considered</p> <p>16 special revenue funds.</p> <p>17 Q. Well, special revenue funds is</p> <p>18 reflected in the pie chart, right?</p> <p>19 A. That does not reflect grants and</p> <p>20 capital projects.</p> <p>21 Q. So the 50 percent special revenue</p> <p>22 fund that's reflected in the pie chart at the</p> <p>23 bottom of page 11009 does not account for</p> <p>24 grants that the county has received?</p> <p>25 A. It does not account for all</p>
<p style="text-align: right;">Page 211</p> <p>1 segregated ledger that records revenue and</p> <p>2 expenses.</p> <p>3 Q. Okay.</p> <p>4 And then if you go down to the</p> <p>5 bottom of this paragraph, it identifies what</p> <p>6 are referred to here as "major fund types."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. It has general, special revenue,</p> <p>10 debt service, enterprise, and internal</p> <p>11 service, right?</p> <p>12 A. That's correct.</p> <p>13 Q. Are there any fund types that are</p> <p>14 not listed here in this paragraph?</p> <p>15 A. No.</p> <p>16 Q. So when it says, "Major fund</p> <p>17 types include," and then it has a list, that</p> <p>18 is not meant to suggest that there are funds</p> <p>19 that are not identified here?</p> <p>20 A. That's correct. Fund types, not</p> <p>21 funds. That's a difference.</p> <p>22 Q. Right. I'm talking about the</p> <p>23 word "include." This is a --</p> <p>24 A. I understand, but you said</p> <p>25 "include different funds," and these are fund</p>	<p style="text-align: right;">Page 213</p> <p>1 grants. No, it does not.</p> <p>2 Q. So it says "Special revenue</p> <p>3 funds, 50 percent." What does that mean?</p> <p>4 A. It means that special revenue</p> <p>5 funds make up 50 percent of the county's</p> <p>6 all-funds operating budget.</p> <p>7 Q. And that does not include grants?</p> <p>8 A. It does not include all grants</p> <p>9 and capital projects.</p> <p>10 Q. Is there anything else that it</p> <p>11 does not include?</p> <p>12 A. No.</p> <p>13 Q. Do grants go in the special</p> <p>14 revenue funds category?</p> <p>15 A. Yes.</p> <p>16 Q. What about capital revenue</p> <p>17 projects? Where would that -- did I get it</p> <p>18 right? You looked at me funny.</p> <p>19 A. Capital projects.</p> <p>20 Q. Capital projects?</p> <p>21 A. Yes.</p> <p>22 Q. Where do capital projects fit?</p> <p>23 A. Those are special revenue funds.</p> <p>24 Q. Okay.</p> <p>25 So if you were to add the grants</p>

<p style="text-align: right;">Page 214</p> <p>1 and the capital projects to this pie chart, 2 the special revenues funds section that 3 right now is reflected at 50 percent would 4 get even bigger? 5 A. That's correct. 6 Q. How much bigger would it get? 7 A. I can't say. 8 Q. Can you give me an approximation? 9 MR. BADALA: Objection to form. 10 THE WITNESS: I can't. 11 BY MR. BOEHM: 12 Q. You cannot? 13 A. No. 14 Q. Not even an approximation? 15 A. Not even an approximation. 16 Q. Well, do grants and special 17 projects make up a significant amount of 18 revenue for the county? 19 MR. BADALA: Objection to form. 20 THE WITNESS: I think all revenue 21 to the county is significant. They make 22 up a good portion of activity, yes. 23 BY MR. BOEHM: 24 Q. Well, when I say "significant" -- 25 because I'm trying not be cute here. When I</p>	<p style="text-align: right;">Page 216</p> <p>1 BY MR. BOEHM: 2 Q. If you go to the next page, it 3 says "General Fund" right at the top, right? 4 A. Yes. 5 Q. And it says, "39 percent of the 6 2018/2019 all-funds budget." 7 A. Correct. 8 Q. But if you look back at the pie 9 chart, it says 30 percent for the 10 General Fund HHS levy. 11 I'm trying to make sense of 12 30 percent in the pie chart and 39 percent 13 in the text on the following page. Can you 14 help me understand that? 15 A. No. I would have to look at the 16 spreadsheets behind it. 17 Q. Is that a typo? 18 A. I would have to look at the 19 spreadsheets behind it. 20 Q. You can't explain it? 21 A. Not without looking at the 22 spreadsheets behind it. 23 Q. What spreadsheets do you have in 24 mind when you say "looking at the 25 spreadsheets behind it"?</p>
<p style="text-align: right;">Page 215</p> <p>1 say "significant," I'm talking about relative 2 to the overall piece of the pie. 3 So my question to you is not 4 whether dollars matter, but whether or not 5 grants and special projects make up a 6 significant proportion of the total revenue 7 available to Cuyahoga County. 8 MR. BADALA: Objection to form. 9 THE WITNESS: What do you mean by 10 "significant"? 11 BY MR. BOEHM: 12 Q. A material amount. 13 A. What do you mean by "material"? 14 Q. Well, you're the director of the 15 Office of Budget Management, so I'll let you 16 define that how you think it is appropriate. 17 A. As I said, I cannot approximate 18 the percentage that this would increase if we 19 added grants and capital projects. 20 Q. Do you consider it to be a 21 significant amount? 22 MR. BADALA: Objection to form. 23 THE WITNESS: I consider 24 everything significant. 25</p>	<p style="text-align: right;">Page 217</p> <p>1 A. The spreadsheets that would tell 2 me exactly what kind of dollars we're talking 3 about. 4 Q. I'm asking you what spreadsheets. 5 MR. BADALA: Objection to form. 6 BY MR. BOEHM: 7 Q. What spreadsheets are those? 8 Because I don't know. You have to help me. 9 A. I would pull up the budget 10 amounts from the resolutions, type them into 11 a spreadsheet, and then calculate the 12 percentage so that I could determine whether 13 it's 30 percent or 39 percent. 14 Q. Is that information that's 15 reflected somewhere in this budget or is that 16 somewhere else? 17 A. The revenue is in the schedules. 18 Q. In the back of the budget? 19 A. That's correct. 20 Q. So is there a schedule you can 21 look at to tell me why the pie chart says 22 30 percent and the text for the General Fund 23 says 39 percent? 24 A. I don't do percentages in my 25 head, but I can tell you that this is where</p>

<p style="text-align: right;">Page 218</p> <p>1 the revenue is.</p> <p>2 Q. Where?</p> <p>3 A. In the schedules.</p> <p>4 Q. Tell me where.</p> <p>5 A. 11064, 11065, 11067.</p> <p>6 Q. Okay. Where on 11064 are you</p> <p>7 looking?</p> <p>8 A. Under the expenditures, total</p> <p>9 expenditures.</p> <p>10 Q. "Total operating expenditures"?</p> <p>11 Is that --</p> <p>12 A. No.</p> <p>13 Q. -- the line you're looking at?</p> <p>14 A. Total expenditures.</p> <p>15 Q. So about three-quarters of the</p> <p>16 way down the page, there's a line that says</p> <p>17 "total expenditures"?</p> <p>18 A. That's correct.</p> <p>19 Q. Does that help us in some way</p> <p>20 figure out how much of the total all-fund</p> <p>21 budget is from the General Fund and HHS levy</p> <p>22 fund?</p> <p>23 A. It does, if you want to do the</p> <p>24 math. I'm not going to do percentages in my</p> <p>25 head.</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. And then it says at the bottom of</p> <p>2 that paragraph that the General Fund is the</p> <p>3 only discretionary fund included in the</p> <p>4 county's all-funds budget.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. What does that mean?</p> <p>8 A. Every other fund that would be</p> <p>9 included in the budget is restricted in some</p> <p>10 way by something. So usually it's the Ohio</p> <p>11 Revised Code. Sometimes it's the county</p> <p>12 code. It means those funds were designated</p> <p>13 for a specific purpose.</p> <p>14 The General Fund, there is</p> <p>15 discretion there. So you can make a policy</p> <p>16 decision whether you want to spend money on</p> <p>17 X or Y.</p> <p>18 Q. As I understand it, money from</p> <p>19 the General Fund can be transferred to</p> <p>20 special revenue funds; is that right?</p> <p>21 A. And it is. That's correct.</p> <p>22 Q. That does happen?</p> <p>23 A. Yes.</p> <p>24 Q. And it is within the discretion</p> <p>25 of county leadership to decide how much of</p>
<p style="text-align: right;">Page 219</p> <p>1 But the total General Fund</p> <p>2 expenditures is 432.9 million; HHS levy</p> <p>3 expenditures, 238.2 million; all-funds,</p> <p>4 1.5 billion.</p> <p>5 Q. Okay.</p> <p>6 The bottom line is, just by</p> <p>7 looking here at the pie chart and then the</p> <p>8 parenthetical at the top of the next page,</p> <p>9 you're not able to explain why the</p> <p>10 percentages provided are 9 percent off?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. And you're not sure whether</p> <p>15 that's a typo or not?</p> <p>16 A. I am not sure.</p> <p>17 Q. The next sentence there on 11010</p> <p>18 says, "The General Fund is the primary</p> <p>19 operating fund of the county," and it says</p> <p>20 it's comprised of four separate sub-funds.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. The general operating,</p> <p>24 0.25 percent, and then two HHS levies, right?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 221</p> <p>1 the General Fund dollars get transferred to</p> <p>2 the special revenue funds, correct?</p> <p>3 A. That's correct.</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 Just give me a second.</p> <p>6 THE WITNESS: I'm sorry.</p> <p>7 MR. BADALA: That's okay.</p> <p>8 THE WITNESS: That's correct.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. How would we go about tracking</p> <p>11 how much money from the General Fund goes to</p> <p>12 the various special revenue funds, to the</p> <p>13 extent that such transfers exist?</p> <p>14 A. So if you look in the back,</p> <p>15 beginning on page 11070, we have three</p> <p>16 reports in a row that detail -- we call them</p> <p>17 subsidies, the money that went from the</p> <p>18 General Fund into other funds.</p> <p>19 Q. Okay.</p> <p>20 Do these pages that you've just</p> <p>21 identified for us provide a comprehensive</p> <p>22 summary of General Fund dollars that have</p> <p>23 been transferred to special revenue funds,</p> <p>24 or are there other places in the budget we</p> <p>25 would have to go to understand that?</p>

<p style="text-align: right;">Page 222</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: This is a</p> <p>3 comprehensive list of all of our</p> <p>4 subsidies.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Okay.</p> <p>7 About a third of the way down</p> <p>8 this page, going back to 11010, where you</p> <p>9 were?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Ms. Keenan, I'm back at 11010.</p> <p>12 A. Oh, I'm sorry.</p> <p>13 Q. That's kind of where we left off.</p> <p>14 11010.</p> <p>15 MR. BADALA: Yeah. I don't think</p> <p>16 you're on the same page.</p> <p>17 THE WITNESS: Oh, I'm sorry. I'm</p> <p>18 sorry. Okay.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. This is the page of the budget</p> <p>21 that describes the General Fund, right?</p> <p>22 A. It's a page in the budget that</p> <p>23 describes the General Fund.</p> <p>24 Q. And -- well, to me, it looks like</p> <p>25 it's the section of the budget that is</p>	<p style="text-align: right;">Page 224</p> <p>1 "The county's General Fund</p> <p>2 includes two sub-funds."</p> <p>3 Do you see that?</p> <p>4 A. Uh-huh.</p> <p>5 Q. And then it says that those two</p> <p>6 are the General Operating Fund and the</p> <p>7 0.25 percent fund.</p> <p>8 Do you see that?</p> <p>9 A. That's correct.</p> <p>10 Q. So I was a little confused in</p> <p>11 reading this page, because in the first</p> <p>12 paragraph it says the General Fund has four</p> <p>13 sub-funds, and then here it says the</p> <p>14 General Fund has two sub-funds. And I read</p> <p>15 this document as carefully as I could, and</p> <p>16 didn't see any explanation for that apparent</p> <p>17 discrepancy.</p> <p>18 Could you please explain that</p> <p>19 for those of us who might not understand</p> <p>20 that?</p> <p>21 A. The first paragraph is referring</p> <p>22 to the fund type, and the fund type General</p> <p>23 Fund has the four sub-funds.</p> <p>24 General Fund is referred to as a</p> <p>25 fund, so there's -- in the hierarchy, we</p>
<p style="text-align: right;">Page 223</p> <p>1 designed to explain what the different funds</p> <p>2 are and what they do, right?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: That's correct, but</p> <p>5 the General Fund is discussed throughout</p> <p>6 the document.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Sure. It has application</p> <p>9 throughout.</p> <p>10 But this is -- I'm simply making</p> <p>11 the point that this is the section designed</p> <p>12 to describe for the reader what this fund</p> <p>13 is, right?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: I suppose, but we</p> <p>16 have a revenue section that discusses</p> <p>17 all of the revenue in the General Fund.</p> <p>18 There's expenditure sections. It's</p> <p>19 throughout the document.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. This is going to get real tough.</p> <p>22 Okay.</p> <p>23 The General Fund is described</p> <p>24 further about a third of the way down the</p> <p>25 page, where it says:</p>	<p style="text-align: right;">Page 225</p> <p>1 have fund type, then we have fund, then we</p> <p>2 have sub-fund. The top is the fund type.</p> <p>3 This then discussion is about</p> <p>4 the General Fund, which has two sub-funds.</p> <p>5 Q. Thank you. Very helpful.</p> <p>6 So the discussion here about the</p> <p>7 General Operating Fund, how does that, if at</p> <p>8 all, relate to the HHS levies that are</p> <p>9 discussed in the same section?</p> <p>10 A. It doesn't. The discussion that</p> <p>11 begins the third paragraph with the bolded</p> <p>12 "General Fund," that's -- I'm sorry.</p> <p>13 Q. Just for the record, are you</p> <p>14 looking at the very last paragraph on</p> <p>15 page 11010?</p> <p>16 A. I'm starting here. This is</p> <p>17 talking about the General Fund, which would</p> <p>18 be separate from the two levies. Those are a</p> <p>19 different fund.</p> <p>20 Q. Subsidies make up about one-third</p> <p>21 of the total General Fund expenditures in</p> <p>22 2018 and '19; is that correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And "subsidies," when we use it</p> <p>25 in this context, refers to money that is sent</p>

<p style="text-align: right;">Page 226</p> <p>1 to the special revenue funds?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay.</p> <p>4 Speaking now specifically about</p> <p>5 the General Operating Fund, what are the</p> <p>6 revenue sources of the General Operating</p> <p>7 Fund?</p> <p>8 A. So if you go back to the</p> <p>9 schedules on page 11064, this is a fund</p> <p>10 report for the General Operating Fund, and</p> <p>11 the larger revenue sources are summarized:</p> <p>12 Property taxes, sales tax, licenses and</p> <p>13 permits, fines and forfeitures, charges, fees</p> <p>14 for services, the local government fund,</p> <p>15 which comes from the State of Ohio, other</p> <p>16 intergovernmental, which largely refers to</p> <p>17 the state public defender's office, other</p> <p>18 taxes, investment earnings, and then</p> <p>19 miscellaneous income.</p> <p>20 Q. Got it. Thank you very much.</p> <p>21 Now, the Local Government Fund,</p> <p>22 you have indicated, goes to the General</p> <p>23 Operating Fund? Did I understand that</p> <p>24 correctly?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. What formula does the State use</p> <p>2 to determine how to apportion the sales tax</p> <p>3 to the various counties within the state?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: It's based on the</p> <p>6 sales tax that's charged in that county.</p> <p>7 So it's not distributed by formula. If</p> <p>8 you buy here, we're going to get the</p> <p>9 sales tax eventually.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. Is it your understanding that</p> <p>12 it's that simple, whatever Cuyahoga County</p> <p>13 generates in sales tax comes back to</p> <p>14 Cuyahoga County?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: I'm sure it's not</p> <p>17 that simple, but that is essentially how</p> <p>18 it works.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. Who would we need to talk to to</p> <p>21 make sure we understood exactly how it works?</p> <p>22 A. You could call the State.</p> <p>23 Q. Then you stated that it goes</p> <p>24 through a trustee?</p> <p>25 A. That's correct.</p>
<p style="text-align: right;">Page 227</p> <p>1 Q. And I think you indicated that</p> <p>2 the Local Government Fund comes from the</p> <p>3 State of Ohio?</p> <p>4 A. That's correct. It's a fund</p> <p>5 within the state's budget that's made up of</p> <p>6 1.66 percent of all state tax revenue.</p> <p>7 Q. Then you made reference to "the</p> <p>8 other intergovernmental fund."</p> <p>9 A. Right. It's just --</p> <p>10 Q. What's that?</p> <p>11 A. In general, that will refer to</p> <p>12 revenue that comes to the county from other</p> <p>13 governmental sources. For the General</p> <p>14 Operating Fund specifically, that is almost</p> <p>15 exclusively the reimbursement from the state</p> <p>16 public defender's office.</p> <p>17 Q. Now, do sales taxes come directly</p> <p>18 to Cuyahoga County or is that also through</p> <p>19 the state?</p> <p>20 A. Sales taxes flow from</p> <p>21 Cuyahoga County to the state, and then they</p> <p>22 actually flow to a trustee before they come</p> <p>23 to the county. The county has a number of</p> <p>24 outstanding debt issues. So our sales tax</p> <p>25 gets routed through a trustee first.</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. And explain what that is about.</p> <p>2 A. When public entities issue debt</p> <p>3 that's backed by sales tax, we are required</p> <p>4 to pay debt service first. So our sales tax</p> <p>5 gets routed to a trustee, who takes out the</p> <p>6 amount due for debt service, and then gives</p> <p>7 us the balance.</p> <p>8 Q. The county also has its own debt</p> <p>9 service fund, doesn't it?</p> <p>10 A. That's correct.</p> <p>11 Q. And is that separate and apart</p> <p>12 from the amount it has to pay in debt service</p> <p>13 through the sales tax process?</p> <p>14 A. The debt service funds will</p> <p>15 capture that amount.</p> <p>16 Q. It's probably because I'm slow on</p> <p>17 the take, but I don't quite yet understand</p> <p>18 the relationship, if there is one, between</p> <p>19 the debt service fund that Cuyahoga County</p> <p>20 has and maintains and the process by which</p> <p>21 the trustee takes money --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- out of what would be</p> <p>24 Cuyahoga County's share of sales tax.</p> <p>25 Can you explain that for us?</p>

<p style="text-align: right;">Page 230</p> <p>1 A. So the county has a number of</p> <p>2 debt-service funds. We have several bond</p> <p>3 issues. The sales tax ones are in this</p> <p>4 lockbox structure, which means we have to</p> <p>5 route through the trustee.</p> <p>6 The trustee retains -- just</p> <p>7 throwing out numbers --\$10 million for a</p> <p>8 debt service, and then I get the balance of</p> <p>9 what's owed to the county, we spend it on</p> <p>10 whatever.</p> <p>11 We make manual adjustments in</p> <p>12 our system to note that the county did</p> <p>13 receive \$10 million, though it doesn't</p> <p>14 physically come to us, and that we paid \$10</p> <p>15 million in debt service, though we didn't</p> <p>16 actually pay the money, the trustee did; but</p> <p>17 we make journal entries so we can accurately</p> <p>18 reflect to the citizens, we did have these</p> <p>19 debt service payments. Otherwise, they</p> <p>20 would not be reflected in our financials.</p> <p>21 Q. Thank you.</p> <p>22 If you flip over to page 11012.</p> <p>23 MR. BOEHM: And I'm just reading,</p> <p>24 for the record, the final numbers in the</p> <p>25 Bates stamp that's at the bottom</p>	<p style="text-align: right;">Page 232</p> <p>1 treatment in the jail for our addicted</p> <p>2 inmates.</p> <p>3 It goes to assigned counsel in</p> <p>4 the Court of Common Pleas, assigned counsel</p> <p>5 in the juvenile court. It goes to</p> <p>6 prosecutor's office, pays for expert</p> <p>7 witnesses. Court of Common Pleas, pays for</p> <p>8 expert witnesses.</p> <p>9 We have a lot of other expenses.</p> <p>10 Contracts. Information technology. A lot</p> <p>11 of that is contracts, maintenance contracts</p> <p>12 on our systems.</p> <p>13 Most of the general</p> <p>14 government -- you know, elections, you know,</p> <p>15 Board of Elections costs. We pay for</p> <p>16 ballots, we pay for poll workers, which</p> <p>17 actually don't count as personnel because</p> <p>18 they're temporary workers.</p> <p>19 Q. Just below this, there's another</p> <p>20 depiction -- I'm not even sure what kind of</p> <p>21 graph to call this.</p> <p>22 A. Uh-huh.</p> <p>23 Q. You might know. There is a graph</p> <p>24 here that I believe reflects which divisions</p> <p>25 and departments of Cuyahoga County government</p>
<p style="text-align: right;">Page 231</p> <p>1 right-hand corner of the page of the</p> <p>2 exhibit.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. In this page at the top, there's</p> <p>5 a reference to the budgets for the</p> <p>6 General Fund for 2018 and 2019.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And, again, the number we're</p> <p>10 looking at there does not reflect HHS levy</p> <p>11 funds, right? That's just the General</p> <p>12 Operating Fund?</p> <p>13 A. That's correct.</p> <p>14 Q. And it says that personnel costs</p> <p>15 represent 55 percent of the total General</p> <p>16 Fund's spending.</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. What does that mean?</p> <p>20 A. It means that 55 percent of total</p> <p>21 expenses are attributed to salaries,</p> <p>22 benefits, for employees.</p> <p>23 Q. Where does the rest go?</p> <p>24 A. Any number of expenses. It goes</p> <p>25 to medical in the jail. It goes to drug</p>	<p style="text-align: right;">Page 233</p> <p>1 this General Fund, Operating Fund, goes to.</p> <p>2 Do I understand that right?</p> <p>3 A. The circle graph?</p> <p>4 Q. Yeah, the circle graph. Let's</p> <p>5 call it that.</p> <p>6 A. That details spending by what we</p> <p>7 call "program." So programs are functional</p> <p>8 areas of government.</p> <p>9 Q. And when you say "spending," you</p> <p>10 mean spending from this General Operating</p> <p>11 Fund?</p> <p>12 A. That's correct.</p> <p>13 Q. It looks like 62 percent of it,</p> <p>14 according to this circle graph, goes to the</p> <p>15 Justice and Public Safety Division.</p> <p>16 A. That is correct. Jail is our</p> <p>17 largest single spend in the General Fund.</p> <p>18 Q. Do you know how much of that is</p> <p>19 jail?</p> <p>20 A. In the budget, not specifically.</p> <p>21 But the jail is approximately \$70 million a</p> <p>22 year and rising.</p> <p>23 Q. The next-largest segment here</p> <p>24 refers to general government at 18 percent.</p> <p>25 What's covered there?</p>

<p style="text-align: right;">Page 234</p> <p>1 A. General government includes, not 2 limited to, county executive, county council, 3 human resources, information technology, 4 Board of Elections. 5 Oh, we have an inspector 6 general, Department of Internal Audit, the 7 fiscal office, the law department, Personnel 8 Review Commission. 9 Q. I was hoping you could help me 10 make sense of one other thing that appears to 11 a layperson to be a discrepancy, but probably 12 has an explanation. 13 In subsidies, it says 14 percent 14 on the circle graph on 11012. 15 Do you see that? 16 A. Uh-huh. 17 Q. But we had read earlier on 18 page 11010, that about a third of the total 19 General Fund expenditures go to subsidies. 20 Obviously, 14 percent is less 21 than a third. And I was trying to 22 understand how that fits together. Can you 23 help us? 24 A. So I'm not going to do math in my 25 head, but subsidies in the 2018 budget total</p>	<p style="text-align: right;">Page 236</p> <p>1 the General Fund expenditures were reduced 2 from one year to the other? 3 A. What do you mean by "from one 4 year to another"? Comparing what? 5 Q. Comparing one budget to the next. 6 Here the statement is, as I understand it -- 7 I'll just read it: 8 "General Fund expenditures have 9 remained relatively constant over the 10 past several years." 11 A. Right. There's a difference 12 between budget and expenditures. So when we 13 say "expenditures," we're talking about 14 actuals for the year. 15 I would have to look at a budget 16 to see the relationship between budgets year 17 over year. 18 Q. What does it mean that General 19 Fund expenditures have remained relatively 20 constant over the past several years? 21 A. It means that the shifts have 22 been relatively nominal, so the darker bars 23 on these graphs are total expenses in 2000 -- 24 I'm sorry, the lighter one. In 2015 and '16, 25 we saw a spike, but then '17, '18, '19, looks</p>
<p style="text-align: right;">Page 235</p> <p>1 12.1 million. Total expenditures, 2 375 million. One of those is a typo. 3 Q. So when we see the 62 percent 4 Justice and Public Safety figure in the 5 circle graph on 11012, is it possible that 6 any of that calculation is from subsidies to 7 special revenue funds in the Justice and 8 Public Safety space? 9 A. No. 10 Q. All right. So one of those is a 11 typo, and you don't know which one? 12 A. Not without doing the 13 calculation. 14 Q. Underneath the circle graph, it 15 says that the General Fund expenditures have 16 remained relatively constant over the past 17 several years with increases in 2015 and '16 18 due to spending on capital projects. 19 Do you see that? 20 A. Yes. 21 Q. Do you know how far back in time 22 it's true that General Fund expenditures have 23 remained relatively constant? 24 A. Not without looking at a report. 25 Q. Do you know when the last time</p>	<p style="text-align: right;">Page 237</p> <p>1 about the same as '14. 2 Q. And do you know how far back 3 before 2014 the same could be said that the 4 General Fund expenditures have remained 5 relatively constant? 6 A. I would have to look at a report. 7 Q. Are you aware of any significant 8 spikes or drops in the years prior to 2014? 9 MR. BADALA: Objection to form. 10 THE WITNESS: I would really have 11 to look at a report. 12 BY MR. BOEHM: 13 Q. You just don't know? 14 A. Not off the top of my head. 15 Q. And nothing stands out to you as 16 you sit here today; is that fair? 17 MR. BADALA: Objection to form. 18 THE WITNESS: I would have to 19 look at a report. I really can't say. 20 BY MR. BOEHM: 21 Q. That's a yes, nothing stands out 22 to you? 23 MR. BADALA: Objection to form. 24 THE WITNESS: That's correct. 25</p>

<p style="text-align: right;">Page 238</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Now, just kind of going back for</p> <p>3 a moment to the testimony you gave about</p> <p>4 requests that were made from the</p> <p>5 medical examiner's office, the juvenile</p> <p>6 court, sheriff's department, and ADAMHS, you</p> <p>7 said three of the four of those requests were</p> <p>8 funded, right?</p> <p>9 A. That's correct.</p> <p>10 Q. And one was not, and that's the</p> <p>11 ADAMHS request, right?</p> <p>12 A. That's correct.</p> <p>13 Q. Were the requests from the</p> <p>14 medical examiner's office, the juvenile</p> <p>15 court, and the sheriff's department that the</p> <p>16 county did choose to fund come out of the</p> <p>17 General Operating Fund?</p> <p>18 A. The medical examiner did.</p> <p>19 Juvenile court received funding -- and by</p> <p>20 that, I mean they did not have to take their</p> <p>21 cut from the General Fund and the Levy Fund.</p> <p>22 And, I'm sorry, who was the</p> <p>23 third one?</p> <p>24 Q. The sheriff's department.</p> <p>25 A. The sheriff's department is</p>	<p style="text-align: right;">Page 240</p> <p>1 record, 2:08.</p> <p>2 (Recess taken, 2:08 p.m. to</p> <p>3 2:18 p.m.)</p> <p>4 THE VIDEOGRAPHER: On the record,</p> <p>5 2:18.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. All right. We've made a couple</p> <p>8 of references to the HHS levy funds.</p> <p>9 Do you recall that, Ms. Keenan?</p> <p>10 A. Yes.</p> <p>11 Q. What do the HHS levy funds go</p> <p>12 toward?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: The Health and</p> <p>15 Human Services levy funds support a</p> <p>16 number of county agencies and</p> <p>17 departments, and therefore host</p> <p>18 different activities, including</p> <p>19 addiction treatment, mental health</p> <p>20 treatment, mental healthcare in the</p> <p>21 jail, child welfare, medical care by way</p> <p>22 of MetroHealth, entitlement programs,</p> <p>23 like traditionally referred to as</p> <p>24 welfare programs, child support</p> <p>25 programs, juvenile services in juvenile</p>
<p style="text-align: right;">Page 239</p> <p>1 General Fund.</p> <p>2 Q. And just General Fund?</p> <p>3 A. No, not just General Fund. The</p> <p>4 sheriff's department also receives some</p> <p>5 funding from the --</p> <p>6 Q. I'm sorry. I may have confused</p> <p>7 you.</p> <p>8 A. Oh.</p> <p>9 Q. My question is with respect to</p> <p>10 this request for additional funds that the</p> <p>11 county decided to agree to, did that come</p> <p>12 from the General Fund or from some other</p> <p>13 source?</p> <p>14 A. For the sheriff, just the</p> <p>15 General Fund.</p> <p>16 Q. And for the juvenile court?</p> <p>17 A. Both. General Fund and Levy.</p> <p>18 Q. And for the medical examiner's</p> <p>19 office?</p> <p>20 A. General Fund.</p> <p>21 MR. BOEHM: Let's go off the</p> <p>22 record just for a minute.</p> <p>23 MR. BADALA: You want to take a</p> <p>24 break? Is that what you're saying?</p> <p>25 THE VIDEOGRAPHER: Off the</p>	<p style="text-align: right;">Page 241</p> <p>1 court for the kids participating in</p> <p>2 their programs.</p> <p>3 That's not an exhaustive list.</p> <p>4 BY MR. BOEHM:</p> <p>5 Q. It's a lot of different things?</p> <p>6 A. It's a lot of different things.</p> <p>7 The levies bring in 240 million a year.</p> <p>8 Q. Has that amount been steady or</p> <p>9 has that gone up or down over the last</p> <p>10 several years?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: Over the last</p> <p>13 several years, it's been relatively</p> <p>14 steady. The levies are protected to a</p> <p>15 certain extent from fluctuations in home</p> <p>16 values. Home values would have to, you</p> <p>17 know, change dramatically for us to take</p> <p>18 a hit on the levies.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. I think you made reference to</p> <p>21 this earlier in the day, and I'm glad you</p> <p>22 mentioned it because I wanted to follow up.</p> <p>23 When you talk about protection</p> <p>24 against the changes in real estate property</p> <p>25 values, what does that mean? How is it that</p>

<p style="text-align: right;">Page 242</p> <p>1 these levy amounts are protected from 2 fluctuations in the market? 3 A. I don't know offhand the statute, 4 but it originated with House Bill 920 in the 5 Ohio General Assembly. 6 What it means effectively is if 7 you vote for a levy when your house is 8 valued at \$100,000, then based on your 9 \$100,000 home, you're going to contribute \$5 10 a year to the levy. If your home value 11 increases, the amount that you contribute 12 doesn't increase. We change what's called 13 the effective rate. It will decrease it so 14 that your -- the rate of the levy actually 15 goes down so that we still only get \$5 from 16 you. It protects the homeowners from an 17 increase in taxes if their property values 18 go up. 19 Q. It kind of sets a ceiling on how 20 much will be collected, according to that 21 levy, regardless if home values rise; is that 22 fair? 23 A. That's correct. We will see no 24 more money in the levies as a result of the 25 reappraisal.</p>	<p style="text-align: right;">Page 244</p> <p>1 A. A reimbursement means that some 2 other entity is paying us back for a cost 3 that we've incurred. 4 Q. How does that get reflected in 5 the budget? 6 Say, for example, you have an 7 expenditure of funds and you use Cuyahoga 8 County dollars to pay for it and then you 9 get reimbursed by, let's say, the federal 10 government. How does that get accounted for 11 in your budgeting system? 12 A. It depends what fund we're 13 talking about. But largely, reimbursements 14 are reflected as miscellaneous revenue. So 15 whatever fund incurred the expense, the 16 revenue will be credited to that fund as a 17 miscellaneous revenue. 18 Q. Let's take, for example, the HHS 19 levy fund. 20 Is Cuyahoga County sometimes 21 reimbursed by state or federal governments 22 in connection with spending out of the HHS 23 levy fund? 24 A. We're not reimbursed specifically 25 for spending out of the levy funds, but we</p>
<p style="text-align: right;">Page 243</p> <p>1 Q. But you also indicated it 2 protects against you seeing less money. So 3 how does that work? 4 A. To a certain extent it will. So 5 if values -- for example, we have a 3.8 mill 6 levy. Millage is based on your home values. 7 If we're able to bring in that \$5 because 8 your property increased so much, we actually 9 reduce that effective rate to 3.5, say, so we 10 get your \$5. If your home value tanks, we 11 can raise that back up to 3.9, because you 12 voted to no more than 3.9. 13 Where we would run into trouble 14 and then be unable to support our services 15 is if the values decreased so much so and we 16 hit that cap of where you voted your rate. 17 Q. I think you made references 18 earlier in the day also to something called 19 "reimbursement." For those of us who are not 20 in the world of local government finance, 21 what does that term mean in the context of 22 Cuyahoga County budgeting and spending? 23 A. What does a reimbursement mean? 24 Q. A reimbursement, yeah. What is a 25 reimbursement?</p>	<p style="text-align: right;">Page 245</p> <p>1 are reimbursed for spending in the funds that 2 capture the activity of the agencies. 3 The only expenses in the levy 4 funds are transfers out, if that makes 5 sense. 6 Q. Okay. 7 It says here that the levy is 8 budgeted for 231.8 million in 2018 and 2019. 9 So if the county were receiving 10 reimbursements for some of the expenditures 11 that it makes further on down the line, does 12 that get accounted for in this overall 13 HHS levy budget number that's reported here 14 in the biennial budget? 15 A. It does not. It gets reflected 16 in the all-funds number. So if I can give 17 you an example, based on the budget for 2018, 18 the county anticipated transferring -- 19 Q. I'm sorry. I don't want to stop 20 you; just tell us where you are, what page? 21 A. I'm sorry. 11072. 22 Q. Thank you. 23 A. So based on this, if you look at 24 the third and fourth lines down, Children and 25 Family Services and Children Services Fund,</p>

<p style="text-align: right;">Page 246</p> <p>1 those two funds capture the activity of the</p> <p>2 Department of Children and Family Services.</p> <p>3 The budget anticipated that from the levies</p> <p>4 that department would receive \$64 million,</p> <p>5 right? The 27 million and the 37 million.</p> <p>6 But if you look at the all-funds</p> <p>7 report two pages later on 11074 -- I think</p> <p>8 it's two pages later -- HHS Children Family</p> <p>9 Services is about halfway down, and their</p> <p>10 total budget is 141 million.</p> <p>11 So all those reimbursements are</p> <p>12 captured in the funds in addition to the</p> <p>13 levy revenue.</p> <p>14 Q. Okay.</p> <p>15 So is the difference between the</p> <p>16 60-some million and the 100- --</p> <p>17 A. 41.</p> <p>18 Q. -- 141 or so million all made up</p> <p>19 for with reimbursements?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I can't say that</p> <p>22 it's all reimbursements. Some of it</p> <p>23 might be dollars that we can request as</p> <p>24 an advance, but it's all from other</p> <p>25 sources, federal and state sources.</p>	<p style="text-align: right;">Page 248</p> <p>1 sends money as a reimbursement to Cuyahoga</p> <p>2 County to spend, are you saying that the</p> <p>3 money sent by the federal government comes</p> <p>4 from the county?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I'm not saying</p> <p>7 that.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. Okay. I didn't think so.</p> <p>10 It comes from the federal</p> <p>11 government, right?</p> <p>12 A. To the county, which makes it</p> <p>13 county dollars.</p> <p>14 Q. Understood. But not generated in</p> <p>15 the county?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: I would disagree</p> <p>18 with that because it's our demographics,</p> <p>19 our needs, that are driving the way we</p> <p>20 generate those dollars. Dollars are</p> <p>21 generated by poverty rates, rates of</p> <p>22 addiction, rates of children in foster</p> <p>23 care. That's how those dollars are</p> <p>24 generated.</p> <p>25</p>
<p style="text-align: right;">Page 247</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. So it's not from Cuyahoga County</p> <p>3 dollars; it's from state and federal dollars?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: State and federal</p> <p>6 dollars are Cuyahoga County dollars.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. You mean you get to spend it, but</p> <p>9 you didn't generate it, right? Is that what</p> <p>10 you're saying?</p> <p>11 A. No. I disagree with that</p> <p>12 statement.</p> <p>13 The money that flows to county</p> <p>14 government from federal and state sources is</p> <p>15 generated by us. It's generated by the</p> <p>16 number of addicts we have in treatment.</p> <p>17 It's generated by the number of children we</p> <p>18 have in foster care. It's generated by the</p> <p>19 poverty rate of the kids who come to</p> <p>20 juvenile court.</p> <p>21 Those dollars come to</p> <p>22 Cuyahoga County with discretion on how</p> <p>23 they're spent. Those are county dollars.</p> <p>24 Q. I think we're confusing terms.</p> <p>25 When the federal government</p>	<p style="text-align: right;">Page 249</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Dollars aren't generated through</p> <p>3 poverty levels.</p> <p>4 A. I disagree.</p> <p>5 Q. That might be the formula by</p> <p>6 which you receive funds. I want to make</p> <p>7 sure -- are you suggesting that there's</p> <p>8 something about the poverty level in Cuyahoga</p> <p>9 County that raises funds for you to spend?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: The poverty rates</p> <p>12 in Cuyahoga County do entitle us to</p> <p>13 certain revenue sources that we would</p> <p>14 not be entitled to if the poverty rates</p> <p>15 weren't what they were.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Right. But entitlements are not</p> <p>18 the same thing as generating funds, right?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. I don't want to get into an</p> <p>22 academic exercise. It seems pretty obvious</p> <p>23 to me. But if you want to fight about it, we</p> <p>24 can.</p> <p>25 MR. BADALA: Objection to form.</p>

<p style="text-align: right;">Page 250</p> <p>1 THE WITNESS: I don't want to</p> <p>2 fight about it, but I don't think it</p> <p>3 seems obvious to me. I would argue that</p> <p>4 those dollars are generated in Cuyahoga</p> <p>5 County.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Can you explain your theory?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. How they're generated?</p> <p>11 A. Because they are generated based</p> <p>12 on statistics.</p> <p>13 Q. You wouldn't say that poverty</p> <p>14 levels are a money-making venture for the</p> <p>15 county, would you?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: I say that our</p> <p>18 poverty levels entitle us to certain</p> <p>19 revenue sources.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. And that's all you're saying.</p> <p>22 You're not saying that the money is raised</p> <p>23 here in the county, goes up to the federal</p> <p>24 government, and then comes back, right?</p> <p>25 A. Well, a good portion of the</p>	<p style="text-align: right;">Page 252</p> <p>1 the county government, fair?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: Most likely, that's</p> <p>4 correct.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Okay.</p> <p>7 I wanted to go back to the</p> <p>8 special revenue funds, because that's the</p> <p>9 next category we haven't discussed yet. And</p> <p>10 if you look in the budget at 11014, there's</p> <p>11 a description of special revenue funds.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. We talked a little bit about</p> <p>15 these earlier in the day.</p> <p>16 Do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. And it says here that these are</p> <p>19 funds that are established and maintained to</p> <p>20 account for resources designated for specific</p> <p>21 purposes, right?</p> <p>22 A. That's correct.</p> <p>23 Q. And then it says this fund type</p> <p>24 includes grant, state, and federal</p> <p>25 allocations.</p>
<p style="text-align: right;">Page 251</p> <p>1 federal government's revenue is raised here</p> <p>2 through taxes. Our residents pay taxes.</p> <p>3 Q. Federal taxes, right?</p> <p>4 A. That's correct.</p> <p>5 Q. Not county taxes?</p> <p>6 A. That's correct.</p> <p>7 Q. Not state taxes?</p> <p>8 A. That's correct.</p> <p>9 Q. And does the county sometimes</p> <p>10 also receive grants?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Where does the county receive</p> <p>15 grants from?</p> <p>16 A. The county receives grants from</p> <p>17 any number of federal agencies, state</p> <p>18 agencies, philanthropic sources.</p> <p>19 Q. When you say "philanthropic," you</p> <p>20 mean private grants that are provided to the</p> <p>21 county?</p> <p>22 A. Yes.</p> <p>23 Q. And those funds also -- private</p> <p>24 donations made to the county in the form of</p> <p>25 grants are not monies that are generated by</p>	<p style="text-align: right;">Page 253</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. What does that refer to?</p> <p>4 A. It says that included in this</p> <p>5 fund type are grants, state, and federal</p> <p>6 allocations.</p> <p>7 Q. Right. But what does that mean?</p> <p>8 A. What does what mean?</p> <p>9 Q. That these fund types include</p> <p>10 grants, state, and federal allocations?</p> <p>11 A. It means the revenue that's</p> <p>12 captured in special revenue funds is grant</p> <p>13 revenue, state revenue, and special revenue.</p> <p>14 Q. When we talk about state revenue,</p> <p>15 what's that?</p> <p>16 A. Revenue that flows through the</p> <p>17 state, either flows through or originates</p> <p>18 with the state.</p> <p>19 Q. And what about federal revenue?</p> <p>20 What do we mean by that?</p> <p>21 A. Revenue that comes from the</p> <p>22 federal government.</p> <p>23 Q. And then it also says:</p> <p>24 "These fund types include taxes</p> <p>25 and fees collected for a designated</p>

<p style="text-align: right;">Page 254</p> <p>1 activity."</p> <p>2 Do you see that?</p> <p>3 A. That's correct.</p> <p>4 Q. And it goes on to say:</p> <p>5 "The county's financial policies</p> <p>6 dictate that expenditures from these</p> <p>7 funds are limited to the mandates or</p> <p>8 direction of the funding source."</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. That means that if the state</p> <p>12 gives you money, it comes earmarked to be</p> <p>13 spent in a particular fashion, right?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: That's not always</p> <p>16 the case, no. The county has discretion</p> <p>17 often on how it spends its money.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. What does it mean here that the</p> <p>20 funds are limited to the mandates or the</p> <p>21 direction of the funding source?</p> <p>22 A. The direction of the funding</p> <p>23 source could say spend the money on child</p> <p>24 welfare, but that could mean any number of</p> <p>25 things. We could spend that money on</p>	<p style="text-align: right;">Page 256</p> <p>1 regulations or legal directives permit the</p> <p>2 transfer of funds?</p> <p>3 A. I can't give a list of that off</p> <p>4 the top of my head.</p> <p>5 Q. Well, the special revenue funds</p> <p>6 are actually identified here in the budget</p> <p>7 over the next few pages: HHS Job and Family</p> <p>8 Services, Children and Family Services,</p> <p>9 Children Services Fund, Road and Bridge,</p> <p>10 Child Support Services, juvenile court, HHS.</p> <p>11 Are any of those funds available</p> <p>12 for transfer into the General Operating</p> <p>13 Fund?</p> <p>14 A. Road and Bridge dollars could be</p> <p>15 transferred into the General Fund if there</p> <p>16 was an allowable expense incurred in the</p> <p>17 General Fund.</p> <p>18 And any of the Health and Human</p> <p>19 Services funds, or the Juvenile Court Fund,</p> <p>20 levy revenue can be transferred back to the</p> <p>21 Levy Fund if other income comes in in excess</p> <p>22 of what we expected, which means we would</p> <p>23 have subsidized too much. I am permitted to</p> <p>24 transfer that money back.</p> <p>25 Q. Okay. Anything else?</p>
<p style="text-align: right;">Page 255</p> <p>1 subsidies to foster parents. We could spend</p> <p>2 that money on treatment services for babies</p> <p>3 that are born addicted.</p> <p>4 Q. I see. So the funding that you</p> <p>5 receive from these other sources may come</p> <p>6 with tight restrictions or looser</p> <p>7 restrictions in terms of how the money can be</p> <p>8 spent?</p> <p>9 A. That's correct.</p> <p>10 Q. The sentence goes on to say:</p> <p>11 "These funds cannot be used to</p> <p>12 subsidize other funds except as</p> <p>13 required or permitted by program</p> <p>14 regulations or legal directive."</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Is this what we were talking</p> <p>18 about earlier where you said that at least</p> <p>19 with respect to some of these funds, there</p> <p>20 can be transfers out of the special revenue</p> <p>21 fund to the General Operating Fund?</p> <p>22 A. That's correct.</p> <p>23 Q. I wonder if you could say again</p> <p>24 what the list of special revenue funds are</p> <p>25 that fit within the caveat where program</p>	<p style="text-align: right;">Page 257</p> <p>1 A. This is not a list of all of our</p> <p>2 special revenue funds. We have hundreds.</p> <p>3 So, no, I can't tell you off the top of my</p> <p>4 head.</p> <p>5 Q. Okay.</p> <p>6 You indicated that there may be,</p> <p>7 in the context of the Road and Bridge Fund,</p> <p>8 an allowable expense --</p> <p>9 A. That is correct.</p> <p>10 Q. -- that could then go back to the</p> <p>11 General Operating Fund?</p> <p>12 A. If the expense was incurred in</p> <p>13 the General Operating Fund.</p> <p>14 Q. What does that mean?</p> <p>15 A. If we have an expense in the</p> <p>16 General Fund that could have been covered by</p> <p>17 the Road and Bridge Fund, we can take Road</p> <p>18 and Bridge cash and put it into the</p> <p>19 General Fund to reimburse the General Fund.</p> <p>20 Q. Does that sometimes happen?</p> <p>21 A. That has happened.</p> <p>22 Q. Are you aware of any transfers</p> <p>23 out of the special revenue funds designed to</p> <p>24 address funding specific to opiate use or</p> <p>25 abuse in Cuyahoga County?</p>

<p style="text-align: right;">Page 258</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: Transfers out of</p> <p>3 the special revenue funds?</p> <p>4 BY MR. BOEHM:</p> <p>5 Q. Correct.</p> <p>6 A. Into the General Fund or into any</p> <p>7 other fund?</p> <p>8 Q. Let's start broadly. Into any</p> <p>9 other fund.special revenue fund</p> <p>10 A. Off the top of my head, I can't</p> <p>11 recall money coming from a special revenue</p> <p>12 fund into another fund.</p> <p>13 Q. For purposes of addressing the</p> <p>14 opiates?</p> <p>15 A. For that purpose, yes. Money has</p> <p>16 come from the Levy Fund and the General Fund</p> <p>17 for the purpose of addressing opiates.</p> <p>18 Q. You anticipated where I was going</p> <p>19 to go next.</p> <p>20 A. Okay.</p> <p>21 Q. So my question to you is whether</p> <p>22 or not you're aware of any instances where</p> <p>23 money from the General Operating Fund has</p> <p>24 been transferred out of that fund to a</p> <p>25 special revenue fund, earmarked with a</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. For what year, 2016?</p> <p>2 A. 4.2 million.</p> <p>3 Q. So if I understand you correctly,</p> <p>4 you're saying that in 2016, \$4.2 million was</p> <p>5 transferred from the General Fund into the</p> <p>6 medical examiner office's special revenue</p> <p>7 fund for purposes of the regional crime</p> <p>8 laboratory; is that right?</p> <p>9 A. That's correct. But that is</p> <p>10 specific to opiate.</p> <p>11 Q. And when you say it's specific to</p> <p>12 opiates --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- tell me what you mean by that.</p> <p>15 Are you sure that all \$4.2 million goes</p> <p>16 directly to opiate-related work?</p> <p>17 A. No. But I am sure that a portion</p> <p>18 of this money was related to opiates, because</p> <p>19 the medical examiner has provided data to</p> <p>20 show that overdoses from prescription</p> <p>21 opiates, carfentanil, Fentanyl, and heroin</p> <p>22 are on the rise, and the tests associated</p> <p>23 with performing those functions have</p> <p>24 dramatically increased. And they're -- so I</p> <p>25 know that a portion of it is. I can't say</p>
<p style="text-align: right;">Page 259</p> <p>1 specific purpose of addressing opiate-related</p> <p>2 expenditures?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: Yes. So the</p> <p>5 General Fund has transferred money to</p> <p>6 the medical examiner's office, has a</p> <p>7 special revenue fund specific to the</p> <p>8 regional crime lab. And the crime lab</p> <p>9 is where most of -- that's where most of</p> <p>10 the toxicology expenses are captured.</p> <p>11 And the General Fund has given a</p> <p>12 subsidy -- we call it a subsidy -- to</p> <p>13 the crime lab, and that has increased.</p> <p>14 It increased in 2017 specific to</p> <p>15 opiates.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. How much was that transfer?</p> <p>18 A. In 2017 -- well, I don't have the</p> <p>19 actuals in front of me. For 2017 and 2016,</p> <p>20 it was 4.2 million.</p> <p>21 Q. Okay.</p> <p>22 I want to make sure I understood</p> <p>23 that. For 2016 and '17?</p> <p>24 A. I don't have the actuals in front</p> <p>25 of me for '17.</p>	<p style="text-align: right;">Page 261</p> <p>1 how much of the 4.2.</p> <p>2 Q. How would you go about trying to</p> <p>3 determine what portion of the 4.2 is going</p> <p>4 directly to opiate-related work?</p> <p>5 A. I'm not performing those</p> <p>6 calculations.</p> <p>7 Q. Do you have information available</p> <p>8 to you that would allow you to do that kind</p> <p>9 of computation?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: No.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. Do you know of anybody who has</p> <p>14 information available to them that would</p> <p>15 allow them to do a computation to determine</p> <p>16 how much of that \$4.2 million is going</p> <p>17 specifically to opiate-related work?</p> <p>18 A. I'm sure somebody does, but I</p> <p>19 don't know who.</p> <p>20 Q. You don't know who?</p> <p>21 A. No.</p> <p>22 Q. Would it be somebody in the</p> <p>23 Office of Budget Management?</p> <p>24 A. That's where I work, and I said I</p> <p>25 don't have it, no.</p>

<p style="text-align: right;">Page 262</p> <p>1 Q. Would it be somebody in the</p> <p>2 medical examiner's office?</p> <p>3 A. The Medical Examiner's office</p> <p>4 would have data relative to the types of</p> <p>5 testing they're performing, why the people</p> <p>6 died that they're autopsying. I'm sure that</p> <p>7 is a portion of it, but I am not performing</p> <p>8 those calculations.</p> <p>9 Q. So you're not sure whether or not</p> <p>10 the Medical Examiner's office would have</p> <p>11 information available to it to determine how</p> <p>12 much of the \$4.2 million from the</p> <p>13 General Fund to the special revenue fund for</p> <p>14 the crime laboratory went to work that is</p> <p>15 specific to opiates?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: I believe I said</p> <p>18 that the Medical Examiner's office does</p> <p>19 have data relative to why they're</p> <p>20 performing tests, why they're performing</p> <p>21 autopsies, who is dying in this county</p> <p>22 and why they're dying, and why the</p> <p>23 number of people dying from prescription</p> <p>24 opiates has been increasing over the</p> <p>25 last years.</p>	<p style="text-align: right;">Page 264</p> <p>1 A. To see the original budget, that</p> <p>2 would be in the 2017 budget book.</p> <p>3 Q. So that would be in the budget</p> <p>4 itself?</p> <p>5 A. That's correct.</p> <p>6 Q. When you say the "budget book" --</p> <p>7 when you use the term "budget book," is</p> <p>8 Exhibit 3 to your deposition the budget book</p> <p>9 for 2018/2019 Cuyahoga County biennial</p> <p>10 budget?</p> <p>11 A. That's correct.</p> <p>12 Q. So if we wanted to see the 2017</p> <p>13 amount out of the General Fund to the special</p> <p>14 revenue fund for the regional crime lab, we</p> <p>15 could look in the 2017 budget?</p> <p>16 A. If you want to see the amount</p> <p>17 that was budgeted, yes.</p> <p>18 Q. Because you're drawing a</p> <p>19 distinction between the amount that was</p> <p>20 budgeted and the amount that was actually</p> <p>21 spent?</p> <p>22 A. That's correct.</p> <p>23 Q. And you said to see how much was</p> <p>24 actually spent, we would have to go and look</p> <p>25 at the results of operations report?</p>
<p style="text-align: right;">Page 263</p> <p>1 Whether the Medical Examiner's</p> <p>2 office is capable of performing the</p> <p>3 calculation to say how much of that 4.2</p> <p>4 specifically was related? I don't know</p> <p>5 what would go into that.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Okay.</p> <p>8 And you said in 2016, the</p> <p>9 special revenue fund received \$4.2 million.</p> <p>10 Where could we go to see how</p> <p>11 much was designated to that special revenue</p> <p>12 fund for 2017?</p> <p>13 A. How much was designated in the</p> <p>14 budget?</p> <p>15 Q. Yeah. How much was sent from the</p> <p>16 General Fund to the special revenue fund for</p> <p>17 the regional crime laboratory of the</p> <p>18 Medical Examiner's office in 2017?</p> <p>19 A. You would have to look at our</p> <p>20 results of operations report for 2017. That</p> <p>21 has actuals.</p> <p>22 Q. Do you know how much was budgeted</p> <p>23 in 2017 for that purpose?</p> <p>24 A. Not off the top of my head, no.</p> <p>25 Q. Where would we go to see that?</p>	<p style="text-align: right;">Page 265</p> <p>1 A. That's correct.</p> <p>2 Q. And where is that?</p> <p>3 A. On OBM's website.</p> <p>4 Q. Is it available to the public?</p> <p>5 A. Absolutely.</p> <p>6 Q. So I could go on -- if I had my</p> <p>7 internet connection all fired up and ready to</p> <p>8 go, I could Google Cuyahoga County, Office of</p> <p>9 Budget Management, it might have a photograph</p> <p>10 of you there on the home page, and then I</p> <p>11 could find my way to a Results of Operation</p> <p>12 Report?</p> <p>13 A. You could.</p> <p>14 Q. For how many years is the Results</p> <p>15 of Operation Report available on the website?</p> <p>16 A. That specific report only goes</p> <p>17 back to 2015, when I started writing them.</p> <p>18 Q. How about prior to 2015? How</p> <p>19 would I figure it out before then?</p> <p>20 A. Looking at our -- so you could --</p> <p>21 any number of options.</p> <p>22 One, you can look at financial</p> <p>23 reports from our financial system, FAMIS, or</p> <p>24 I can create spreadsheets from our budget</p> <p>25 and reporting system, which captures actuals</p>

<p style="text-align: right;">Page 266</p> <p>1 going back to 2003.</p> <p>2 Q. Do you know if the amount</p> <p>3 budgeted out of the General Fund to the</p> <p>4 special revenue fund for the</p> <p>5 medical examiner's regional crime laboratory</p> <p>6 went up in 2017, went down in 2017, or said</p> <p>7 the same at \$4.2 million?</p> <p>8 A. I'm sorry. Are you -- the budget</p> <p>9 or the actual transfer?</p> <p>10 Q. I'm talking about the budget</p> <p>11 right now.</p> <p>12 A. I would have to look at --</p> <p>13 because I don't know what was budgeted in</p> <p>14 '16.</p> <p>15 Q. We know it was \$4.2 million,</p> <p>16 right?</p> <p>17 A. That's the actual.</p> <p>18 Q. That's the actual. I'm sorry. I</p> <p>19 keep confusing that. So the actual was 4.2.</p> <p>20 You don't know how much was budgeted from the</p> <p>21 General Fund to the special revenue fund?</p> <p>22 A. Not off the top of my head.</p> <p>23 Q. Under what circumstances could</p> <p>24 the Medical Examiner's office spend more than</p> <p>25 was budgeted for a particular purpose? Would</p>	<p style="text-align: right;">Page 268</p> <p>1 to charge anyone, their subsidy is</p> <p>2 going to go up, even though their</p> <p>3 authority to spend did not change. For</p> <p>4 that, they don't have to come and ask</p> <p>5 permission. I usually catch it and</p> <p>6 chastise them, but their appropriation</p> <p>7 levels are what they are. And it's my</p> <p>8 job to then bring it to counsel's</p> <p>9 attention and say you might want to</p> <p>10 decrease their authority to spend.</p> <p>11 But that's a judgment call</p> <p>12 because sometimes based on the amount</p> <p>13 of work they're doing, they couldn't.</p> <p>14 In the last few years, I would never</p> <p>15 recommend a decrease to the crime lab</p> <p>16 because they're overwhelmed by the</p> <p>17 deaths from the prescription opiates.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. In terms of actual</p> <p>20 expenditures --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- in the Medical Examiner's</p> <p>23 regional crime lab, how has that actual</p> <p>24 amount changed since 2006 to the present day?</p> <p>25 A. I would have to look at a report.</p>
<p style="text-align: right;">Page 267</p> <p>1 they have to go back to the Office of Budget</p> <p>2 Management to request permission or could</p> <p>3 they just ask for forgiveness?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: So I want to draw a</p> <p>6 distinction between budgets for</p> <p>7 subsidies and the budget that you're</p> <p>8 referring to, which is the</p> <p>9 Medical Examiner's ability to spend.</p> <p>10 At the beginning of the year,</p> <p>11 the two should be equal. The</p> <p>12 medical examiner, in order to get the</p> <p>13 authority to spend, has to come to me.</p> <p>14 They cannot ask forgiveness later, and</p> <p>15 say, "We need additional</p> <p>16 appropriation." Appropriation is the</p> <p>17 authority to spend.</p> <p>18 If they get that, then their</p> <p>19 subsidy is likely to increase, right?</p> <p>20 They have some other revenue sources,</p> <p>21 the crime lab, it's miniscule, but some</p> <p>22 other entities pay for the services of</p> <p>23 our crime lab. If we budgeted, say, a</p> <p>24 thousand dollars for that revenue to</p> <p>25 come in and it didn't, they decided not</p>	<p style="text-align: right;">Page 269</p> <p>1 I would have to look at a report.</p> <p>2 Q. Have you ever been asked to look</p> <p>3 at that and try and figure out what the</p> <p>4 actual changes have been, if any?</p> <p>5 A. I look at all of this. I don't</p> <p>6 necessarily memorize all of it. But the</p> <p>7 Medical Examiner's office crime lab has</p> <p>8 increased. I don't know by how much.</p> <p>9 MR. BOEHM: Let's go off the</p> <p>10 record.</p> <p>11 THE VIDEOGRAPHER: Off the</p> <p>12 record.</p> <p>13 (Recess taken from 2:50 p.m. to</p> <p>14 2:52 p.m.)</p> <p>15 THE VIDEOGRAPHER: On the record,</p> <p>16 2:52.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. Ms. Keenan, before we went off</p> <p>19 the record you thought the actual</p> <p>20 expenditures by the Medical Examiner's</p> <p>21 regional crime laboratory had gone up, but</p> <p>22 you weren't sure by how much. Did I</p> <p>23 understand you correctly?</p> <p>24 A. That's correct.</p> <p>25 Q. Over what time did you think</p>

<p style="text-align: right;">Page 270</p> <p>1 there was an increase? Over what time were</p> <p>2 there increases, as you understand it?</p> <p>3 A. Spending in the</p> <p>4 Medical Examiner's office in total, I</p> <p>5 believe, has gone up every year for the last</p> <p>6 couple of years. But I can't break that down</p> <p>7 between the funds without looking at a</p> <p>8 report.</p> <p>9 Q. Just for purposes of clarity,</p> <p>10 it's important we stay kind of focused</p> <p>11 because I do want to expand it to other</p> <p>12 medical examiner areas.</p> <p>13 But let's stay focused if we can</p> <p>14 right now on the spends for the regional</p> <p>15 crime laboratory. Because I think you had</p> <p>16 said that actual expenditures had gone up,</p> <p>17 but you didn't know by how much?</p> <p>18 A. That's correct.</p> <p>19 Q. By how much do you believe they</p> <p>20 went up?</p> <p>21 A. I'm not going to guess. I don't</p> <p>22 know.</p> <p>23 Q. What are the reasons they went</p> <p>24 up?</p> <p>25 A. Demand for services. The number</p>	<p style="text-align: right;">Page 272</p> <p>1 actual revenue was being spent by the</p> <p>2 regional crime laboratory for the</p> <p>3 Medical Examiner's office back from 2003</p> <p>4 until the present day?</p> <p>5 A. We didn't have a regional crime</p> <p>6 lab in 2003, but I could go back to when it</p> <p>7 started, yes.</p> <p>8 Q. When did it start?</p> <p>9 A. Pre-charter. That's all I</p> <p>10 remember.</p> <p>11 Q. Before 2010?</p> <p>12 A. I can't recall. I can't recall</p> <p>13 the specific year.</p> <p>14 Q. And just to be clear, you don't</p> <p>15 know how much of whatever reach expenditure</p> <p>16 was for a particular year was directed</p> <p>17 specifically to opiate-related work, fair?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: That's correct.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. And then if you could -- if you</p> <p>22 did know that information, you wouldn't be</p> <p>23 able to differentiate between expenses that</p> <p>24 were directed toward prescription opiates</p> <p>25 versus elicit is it opiates, correct?</p>
<p style="text-align: right;">Page 271</p> <p>1 of overdose deaths has risen significantly in</p> <p>2 Cuyahoga County.</p> <p>3 Q. And that, as you understand it,</p> <p>4 has raised the actual expenditures of the</p> <p>5 regional crime laboratory?</p> <p>6 A. Absolutely.</p> <p>7 Q. But you don't know by how much?</p> <p>8 A. No.</p> <p>9 Q. And you don't know when?</p> <p>10 A. I would have to look at my</p> <p>11 reports.</p> <p>12 Q. What reports are you talking</p> <p>13 about, the Results of Operation reports?</p> <p>14 A. Sure.</p> <p>15 Q. And it would be there?</p> <p>16 A. It would be.</p> <p>17 Q. Would that go back in time?</p> <p>18 A. It would go back at least a year</p> <p>19 or two and then I can -- in our budget</p> <p>20 system, I can go back to 2003.</p> <p>21 Q. What budget system are you</p> <p>22 talking about?</p> <p>23 A. BRASS.</p> <p>24 Q. So you could go into BRASS if you</p> <p>25 wanted and you could look to see how much</p>	<p style="text-align: right;">Page 273</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: The</p> <p>3 medical examiner can distinguish between</p> <p>4 prescription opiates and heroin, if</p> <p>5 that's what you mean by elicit street</p> <p>6 drugs.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Well, heroin and others, right?</p> <p>9 It's not the only is it opiate?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Right?</p> <p>13 MR. BADALA: Same objection.</p> <p>14 THE WITNESS: I don't know.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. You're not sure?</p> <p>17 A. No.</p> <p>18 Q. But regardless of whatever the</p> <p>19 medical examiner can or can't do with the</p> <p>20 date they have available there, you yourself</p> <p>21 don't know what the actual expenditures are</p> <p>22 out of the Medical Examiner's office that are</p> <p>23 directly tied to opiates, true?</p> <p>24 A. That's correct.</p> <p>25 Q. And you've never undertaken to</p>

<p style="text-align: right;">Page 274</p> <p>1 try to understand that?</p> <p>2 A. I have not. All I've been trying</p> <p>3 to do for the last several years is find</p> <p>4 money from somewhere to deal with the crisis.</p> <p>5 At this point it doesn't concern me to know</p> <p>6 the details on everything, but I know that</p> <p>7 this is a crisis that was driven in part by</p> <p>8 prescription opiates, Fentanyl, carfentanyl,</p> <p>9 and heroin. And my sole job for this county</p> <p>10 is to find as much money as I can to respond</p> <p>11 to the crisis. That's what I've been budgets</p> <p>12 doing for the last several years.</p> <p>13 Q. Do you know the difference</p> <p>14 between prescription opioid medications and</p> <p>15 elicit opiates that one gets on the street,</p> <p>16 like heroin and Fentanyl?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I am not a doctor</p> <p>19 or a drug dealer, no.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. Have you ever, yourself, been</p> <p>22 prescribed opioid medication?</p> <p>23 MR. BADALA: I'm going to direct</p> <p>24 you not to answer that question.</p> <p>25 (Instruction given.)</p>	<p style="text-align: right;">Page 276</p> <p>1 But all I wanted to know was the</p> <p>2 basis. So if we got the basis, sorry</p> <p>3 for interrupting.</p> <p>4 MR. BOEHM: No problem.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Other than money from the HHS</p> <p>7 levies that gets sent to the special revenue</p> <p>8 funds, are there any other -- is there any</p> <p>9 other revenue generated in the county through</p> <p>10 taxes or fees that get directed toward</p> <p>11 special revenue funds?</p> <p>12 A. Absolutely.</p> <p>13 Q. And what are those?</p> <p>14 A. This will not be an exhaustive</p> <p>15 list --</p> <p>16 Q. You can just give me some</p> <p>17 examples.</p> <p>18 A. -- but the county assesses a fee</p> <p>19 on delinquent taxes. So if you don't pay</p> <p>20 your property taxes, there is a fee assessed</p> <p>21 for that. That by statute goes into special</p> <p>22 revenue funds, two of them, one designated to</p> <p>23 the county prosecutor, one designated to the</p> <p>24 county treasurer.</p> <p>25 All of our courts charge filing</p>
<p style="text-align: right;">Page 275</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Are you going to follow that?</p> <p>3 A. I'm not going to answer the</p> <p>4 question.</p> <p>5 MR. BADALA: Her medical history</p> <p>6 is not in dispute. I told Defendants in</p> <p>7 multiple depositions, if you want to</p> <p>8 stipulate that all your witnesses are</p> <p>9 going to answer that question too, then</p> <p>10 we'll go into it, but --</p> <p>11 MR. NAEEM: I just wanted you to</p> <p>12 explain the basis, the legal basis for</p> <p>13 your objection.</p> <p>14 MR. BADALA: It was her medical</p> <p>15 history.</p> <p>16 MR. BOEHM: So it's a relevance</p> <p>17 objection? It sounds like a relevance</p> <p>18 objection.</p> <p>19 MR. BADALA: Relevance, and then</p> <p>20 it goes into medical history. There's</p> <p>21 HIPAA issues too.</p> <p>22 MR. NAEEM: I'm not sure either</p> <p>23 one of those are bases under the federal</p> <p>24 law to instruct the witness not to</p> <p>25 answer.</p>	<p style="text-align: right;">Page 277</p> <p>1 fees, as I'm sure you people are aware of.</p> <p>2 Many of those fees go into special revenue</p> <p>3 funds. So the Common Pleas Court will</p> <p>4 charge \$20 for computer costs in the court.</p> <p>5 Probate court charges a fee on marriage</p> <p>6 licenses that goes into a fund to assist</p> <p>7 with domestic violence.</p> <p>8 Probate court also charges a fee</p> <p>9 for alternative dispute resolution.</p> <p>10 Juvenile court has that fee as well.</p> <p>11 Juvenile court charges fees for psychiatric</p> <p>12 evaluations. That's all special revenue.</p> <p>13 Q. Is there a place in the budget</p> <p>14 that I could go for each special revenue fund</p> <p>15 to understand where the money is coming from</p> <p>16 that goes into that fund?</p> <p>17 A. Not really, no.</p> <p>18 Q. How would I figure that out?</p> <p>19 A. Call me.</p> <p>20 Q. Is that an offer? I mean, I feel</p> <p>21 like it's been going quite well today, but --</p> <p>22 A. So the very back of our</p> <p>23 schedules, beginning on 11076, which are the</p> <p>24 last few documents in the book that's in</p> <p>25 front of you, this details most of our</p>

<p style="text-align: right;">Page 278</p> <p>1 special revenue funds. Some grants are not 2 included here, so it's not exhaustive, but 3 all of these pages are special revenue funds. 4 Some of them are discussed in 5 the narrative. We do try to highlight the 6 larger funds to give our reader a sense of 7 what is happening, but it would be nearly 8 impossible to reduce a book that is 9 reader-friendly that includes the level of 10 detail you are asking. 11 Q. Is there a system that you keep 12 at the Office of Budget Management that would 13 have that level of detail? So, for example, 14 if I wanted to pick one of the many special 15 revenue funds that you have listed here and 16 understand what the sources of revenue were 17 for that particular fund, I could do it? 18 MR. BADALA: Objection to form. 19 THE WITNESS: There is no system 20 that does that. Our system could 21 produce a more detailed report that 22 identifies revenue by category so you 23 could at least see whether it was a fee, 24 a tax, some other source. 25 But really, for that, I would</p>	<p style="text-align: right;">Page 280</p> <p>1 A. That's correct. 2 Q. -- that you understand to be at 3 least partly tied into opiate-related 4 expenditures. 5 Are there other specific special 6 revenue funds that you as the director of 7 the Office of Budget Management understand 8 to involve expenditures that are specific to 9 opiate use or abuse? 10 So I'm looking now at the pages 11 you directed me to. 11076 is the first. 12 MR. BADALA: Objection to form. 13 THE WITNESS: So the answer is 14 yes. The General Fund has a number of 15 expenses incurred that are specific to 16 opiates. 17 BY MR. BOEHM: 18 Q. I'm directing you now to the 19 special revenue funds. 20 A. Oh, I'm sorry. 21 Q. You mentioned the one example is 22 the Regional Crime Laboratory for the 23 Medical Examiner. 24 A. That's correct. 25 The TASC Medicaid fund. TASC</p>
<p style="text-align: right;">Page 279</p> <p>1 direct you to contact one of our 2 analysts who are experts in all the 3 funds, and it's just their job to 4 provide the information that the 5 community wants. 6 BY MR. BOEHM: 7 Q. And where would I go to see 8 actual expenditures for each of these funds 9 instead of just a budgeted amount? 10 A. For this particular report, the 11 only report that we prepare would be the 12 results of operation. 13 Q. And that only goes back to 2015? 14 A. That's correct. 15 Q. So if I wanted to have something 16 from before 2015, would I use BRASS? 17 A. You could -- I could use BRASS or 18 I could use FAMIS. 19 Q. Either one? 20 A. That's correct. 21 Q. Now, you mentioned the 22 Medical Examiner, Regional Crime Lab special 23 revenue fund that gets almost all of its 24 money from the subsidy out of the 25 General Fund --</p>	<p style="text-align: right;">Page 281</p> <p>1 stands for treatment alternative to street 2 crimes. That's an assessment program for 3 people who are coming into the Court of 4 Common Pleas who have addictions needs. 5 Some of them -- not all, but some of them, 6 of course, will be opiate-addicted. 7 Q. I'm just going to ask you to 8 pause for each one you identify for me. 9 A. Okay. 10 Q. So let's start with that one. 11 A. Okay. 12 Q. You're referring to the TASC 13 Medicaid funds? 14 A. That's correct. 15 Q. That is coded as 20A099? 16 A. That's correct. 17 Q. And you mentioned that that has 18 to do with treatment of incoming jail 19 inmates? Did I understand that right? 20 A. Most of them are in jail. 21 They're not all in jail. But this is people 22 who have cases in the Court of Common Pleas. 23 Q. So what is this fund used for? 24 A. This fund is used for assessment 25 and treatment services.</p>

<p style="text-align: right;">Page 282</p> <p>1 Q. Does that involve addiction to</p> <p>2 any kind of substance?</p> <p>3 A. It does.</p> <p>4 Q. So it could be alcoholism?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: It could be.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. It could be cocaine?</p> <p>9 A. It could be.</p> <p>10 Q. It could be marijuana?</p> <p>11 A. I don't know if they let people</p> <p>12 in with marijuana, but I'm not going to say</p> <p>13 yes or no.</p> <p>14 Q. Okay.</p> <p>15 Do you know how much of funds</p> <p>16 expended out of the TASC Medicaid special</p> <p>17 revenue fund is directed specifically to</p> <p>18 opiates?</p> <p>19 A. I don't. That would be a</p> <p>20 question for the Court of Common Pleas.</p> <p>21 Q. And you've never undertaken to</p> <p>22 try to understand that?</p> <p>23 A. I have not.</p> <p>24 Q. Is there any coding that's done</p> <p>25 in terms of the intake process designed to</p>	<p style="text-align: right;">Page 284</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: That's correct.</p> <p>3 There's more than one fund for TASC.</p> <p>4 This just happens to be the one that</p> <p>5 captures Medicaid.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Okay. Thank you. Let's go on.</p> <p>8 I was asking you to identify</p> <p>9 special revenue funds that you understand to</p> <p>10 have involved specific expenditures related</p> <p>11 to opiate abuse.</p> <p>12 A. Okay. The community-based</p> <p>13 correctional facility, which is the next one</p> <p>14 down, this is a state-funded, county-owned,</p> <p>15 community-based correctional facility. They</p> <p>16 do have individuals who have been previously</p> <p>17 addicted. I have no data on the type of</p> <p>18 addiction, but I would speculate that at</p> <p>19 least some of their residents were</p> <p>20 opiate-addicted.</p> <p>21 Q. So you say state-funded,</p> <p>22 county-owned?</p> <p>23 A. That's correct.</p> <p>24 Q. What do you mean by that?</p> <p>25 A. So the state gives the county</p>
<p style="text-align: right;">Page 283</p> <p>1 determine whether or not whatever case you're</p> <p>2 looking at is related to one substance or</p> <p>3 another?</p> <p>4 A. I'm sure there is for them, but</p> <p>5 we don't code it as such in our financial</p> <p>6 system.</p> <p>7 Q. And do you do anything at the</p> <p>8 Office of Budget Management to try and track</p> <p>9 data coming from the TASC Medicaid fund?</p> <p>10 A. No.</p> <p>11 Q. What is the source of revenue for</p> <p>12 the TASC Medicaid special revenue fund?</p> <p>13 A. For this fund in particular,</p> <p>14 these are Medicaid reimbursements for</p> <p>15 expenses that were incurred by the HHS</p> <p>16 levy fund.</p> <p>17 Q. And Medicaid is funded by the</p> <p>18 federal government, right?</p> <p>19 A. That's correct.</p> <p>20 Q. So as I understand it, then, this</p> <p>21 is one of those occasions where</p> <p>22 Cuyahoga County government will use money out</p> <p>23 of the HHS levy fund, and then those</p> <p>24 expenditures are reimbursed by the federal</p> <p>25 government?</p>	<p style="text-align: right;">Page 285</p> <p>1 money to operate this facility.</p> <p>2 Q. Does the county send any of its</p> <p>3 own funds to operate this facility or does it</p> <p>4 all come from the state?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: This all comes from</p> <p>7 the state.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. And then you indicated that --</p> <p>10 MR. BADALA: Hold on. Were you</p> <p>11 done?</p> <p>12 THE WITNESS: I'm sorry. It's</p> <p>13 fine. Go ahead.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. You indicated that this</p> <p>16 corrections facility has people who at least</p> <p>17 at some point were addicted to substances?</p> <p>18 A. That's correct.</p> <p>19 Q. But you don't know which?</p> <p>20 A. No.</p> <p>21 Q. So you wouldn't be able to say</p> <p>22 what expenditures, if any, out of this</p> <p>23 special revenue fund went to opiates?</p> <p>24 A. No.</p> <p>25 Q. Okay. Go ahead. What's next on</p>

<p style="text-align: right;">Page 286</p> <p>1 the list?</p> <p>2 A. The next one is Treatment</p> <p>3 Alternatives to Street Crime. So this is</p> <p>4 another fund that's for the TASC program.</p> <p>5 These are levy dollars.</p> <p>6 Q. When you say "levy dollars," you</p> <p>7 mean HHS levy dollars?</p> <p>8 A. Yes.</p> <p>9 Q. And how does this, if at all,</p> <p>10 relate to opiate use and abuse?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: These individuals,</p> <p>13 like I mentioned, are presenting to the</p> <p>14 Court of Common Pleas with drug-related</p> <p>15 cases.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Okay.</p> <p>18 A. Some of them are opiate. I can't</p> <p>19 say how many.</p> <p>20 Q. So you don't know what</p> <p>21 expenditures, if any, out of this particular</p> <p>22 special revenue fund are specifically related</p> <p>23 to opiate issues?</p> <p>24 A. I know that some of these</p> <p>25 expenditures are specific to opiate issues,</p>	<p style="text-align: right;">Page 288</p> <p>1 A. Yes. Not all of these</p> <p>2 individuals are participating in the Drug</p> <p>3 Court, because there's a strict criteria,</p> <p>4 but, yes, some of them are.</p> <p>5 Q. Does all of the money in the</p> <p>6 special revenue fund for Treatment</p> <p>7 Alternatives to Street Crime come from the</p> <p>8 HHS levy, or are there other sources of</p> <p>9 revenue for this special revenue fund?</p> <p>10 A. For this fund, this is all levy</p> <p>11 dollars.</p> <p>12 Q. And do you know if the data</p> <p>13 that's collected in connection with this</p> <p>14 program codes instances or cases to try and</p> <p>15 identify any particular substance that might</p> <p>16 be involved for a particular individual?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I don't know that.</p> <p>19 That's a question for the Court.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. We would have to ask somebody</p> <p>22 from the Court of Common Pleas?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Do you know who heads TASC?</p> <p>25 A. I believe it's Maria Nemec.</p>
<p style="text-align: right;">Page 287</p> <p>1 but I cannot say how much.</p> <p>2 Q. Who would we ask to try and</p> <p>3 figure out -- is there even a way to try and</p> <p>4 figure out what specific expenditures out of</p> <p>5 this special revenue fund are directed to</p> <p>6 opiate abuse?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: There's always a</p> <p>9 way. So you have to get the data from</p> <p>10 TASC.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. From TASC.</p> <p>13 A. Uh-huh.</p> <p>14 Q. And who --</p> <p>15 A. Treatment Alternatives to Street</p> <p>16 Crime.</p> <p>17 Q. Is that a Cuyahoga County</p> <p>18 government department?</p> <p>19 A. Court of Common Pleas.</p> <p>20 Q. It's under the Court of Common</p> <p>21 Pleas?</p> <p>22 A. It's a program in the Court of</p> <p>23 Common Pleas.</p> <p>24 Q. Is this related to the Drug</p> <p>25 Court?</p>	<p style="text-align: right;">Page 289</p> <p>1 Q. Can you spell Nemec?</p> <p>2 A. N-e-m-e-c.</p> <p>3 Q. All right. Let's keep going.</p> <p>4 A. Okay.</p> <p>5 The Children Services Fund,</p> <p>6 20A303. That fund is one of three operating</p> <p>7 funds that captures the activity of the</p> <p>8 Department of Children and Family Services.</p> <p>9 The expenses in this fund are</p> <p>10 largely residential board and care, which is</p> <p>11 the cost of placing children in residential</p> <p>12 treatment facilities because they're not</p> <p>13 appropriate to be in their own homes or in</p> <p>14 foster homes, and then also the cost</p> <p>15 associated with adoption services and some</p> <p>16 foster care services.</p> <p>17 Children and Family Services has</p> <p>18 seen an exponential increase in the number</p> <p>19 of children that are in out-of-home</p> <p>20 placement that is directly attributed to</p> <p>21 opiates.</p> <p>22 Q. Are you able to -- have you ever</p> <p>23 performed a computation or calculation to</p> <p>24 determine exactly what expenditures in the</p> <p>25 division of Children and Family Services are</p>

<p style="text-align: right;">Page 290</p> <p>1 related to opiates?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: No. I am trying to</p> <p>4 keep my head above water with the crisis</p> <p>5 that we're dealing with, with the</p> <p>6 budget.</p> <p>7 This has affected all of our</p> <p>8 agencies. So as I said, as much as I</p> <p>9 love digging into data, the last three</p> <p>10 years I have just been finding out who</p> <p>11 I can raid in order to fund increases.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. How would you go about, as a</p> <p>14 process matter, trying to determine which</p> <p>15 expenditures in the Department of</p> <p>16 Children and Family Services are specifically</p> <p>17 tied to the opiate crisis?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: I would rely on an</p> <p>20 expert for that. That's not my area of</p> <p>21 expertise.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. That sounds like something Sal</p> <p>24 would say if we asked him.</p> <p>25 MR. BADALA: Let's just keep the</p>	<p style="text-align: right;">Page 292</p> <p>1 A. I wouldn't do it. I would get an</p> <p>2 expert to do it.</p> <p>3 Q. Could you do it?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 Asked and answered.</p> <p>6 THE WITNESS: I wouldn't even</p> <p>7 try.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. That's not my question. I'm not</p> <p>10 asking whether you're willing to, whether you</p> <p>11 want to, whether you have time to do it,</p> <p>12 whether you're inclined. That's not my</p> <p>13 question.</p> <p>14 A. I don't know if I could because I</p> <p>15 wouldn't even try.</p> <p>16 Q. Based on the information you have</p> <p>17 available to you as the director of the</p> <p>18 Office of Budget Management, could you, using</p> <p>19 that information, perform a calculation to</p> <p>20 determine what expenditures from the</p> <p>21 Department of Children and Family Services</p> <p>22 are actually tied to opiate abuse or misuse?</p> <p>23 MR. BADALA: Objection, form.</p> <p>24 Asked and answered, the sixth time</p> <p>25 asking the same question.</p>
<p style="text-align: right;">Page 291</p> <p>1 comments out. Come on. Let's go.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. You would rely on an expert?</p> <p>4 What do you mean by that?</p> <p>5 A. I mean there's somebody probably</p> <p>6 better than me who can perform that</p> <p>7 computation. My business is creating</p> <p>8 budgets, monitoring budgets, reporting to</p> <p>9 elected officials, and finding out how to</p> <p>10 fund our mandates.</p> <p>11 Q. But I'm not asking you that. I</p> <p>12 get it. You have a lot to do. And I know</p> <p>13 you haven't done it. But my question is, if</p> <p>14 you wanted to, if somebody asked you to,</p> <p>15 could you, using the information you have</p> <p>16 available to you as the director of the</p> <p>17 Office of Budget Management, perform a</p> <p>18 computation or a calculation to determine</p> <p>19 what specific expenditures within the</p> <p>20 Department of Children and Family Services</p> <p>21 are actually tied to opiate abuse.</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 Asked and answered.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. Go ahead.</p>	<p style="text-align: right;">Page 293</p> <p>1 THE WITNESS: I don't know if I</p> <p>2 could.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. And nobody has asked you to do</p> <p>5 that?</p> <p>6 A. No. I have been asked to find</p> <p>7 funds to address the crisis that permeates</p> <p>8 every agency and department. That's all I've</p> <p>9 had time to do for the last several years.</p> <p>10 Q. So you don't know which</p> <p>11 expenditures out of the Children Services</p> <p>12 Fund, which is a special revenue fund,</p> <p>13 directly go to addressing issues tied to</p> <p>14 opiates, right?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. So when you say "no" --</p> <p>19 A. I'm sorry. That's correct. I</p> <p>20 don't know which dollars are specifically</p> <p>21 related to opiates.</p> <p>22 Q. And is the same thing true with</p> <p>23 respect to the other two operating funds for</p> <p>24 the division of Children and Family Services?</p> <p>25 MR. BADALA: Objection to form.</p>

<p style="text-align: right;">Page 294</p> <p>1 THE WITNESS: What do you mean by</p> <p>2 "is the same thing true"?</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. Well, you said this is one of</p> <p>5 three operating funds for DCFS, right?</p> <p>6 A. That's correct.</p> <p>7 Q. And then you said, with respect</p> <p>8 to this fund, "I don't know which</p> <p>9 expenditures are tied to opiates or not,"</p> <p>10 right?</p> <p>11 A. That's correct.</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. And then now I'm asking you that</p> <p>15 same question with respect to the other two</p> <p>16 funds that go to the operating of the DCFS.</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. Is it also true that you don't</p> <p>20 know which expenditures out of those other</p> <p>21 funds for DCFS are tied to opiates?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: I have not done</p> <p>24 that computation, no.</p> <p>25</p>	<p style="text-align: right;">Page 296</p> <p>1 A. If there are others -- I would</p> <p>2 have to look them up, but they're -- most of</p> <p>3 it is from the autopsy fees.</p> <p>4 Q. It sounds like you're saying the</p> <p>5 overwhelming majority is from autopsy fees</p> <p>6 from other counties?</p> <p>7 A. That's correct.</p> <p>8 This fund -- the expenditures in</p> <p>9 this fund are largely staff. So I believe</p> <p>10 we charge a portion -- at least a portion of</p> <p>11 a couple of our pathologists, as well as</p> <p>12 some support staff in the Medical Examiner's</p> <p>13 office, the scientists -- I don't know their</p> <p>14 exact titles -- and then some equipment</p> <p>15 costs and office expenditure costs.</p> <p>16 So, again, because the</p> <p>17 Medical Examiner's office, a portion of</p> <p>18 their workload is certainly attributed to</p> <p>19 the opiates, prescription opiates, a portion</p> <p>20 of these expenses would be similarly</p> <p>21 attributable.</p> <p>22 Q. But you don't know how much?</p> <p>23 A. That's correct.</p> <p>24 The Probation Supervision Fee</p> <p>25 Fund, which is a little bit down, 20A377,</p>
<p style="text-align: right;">Page 295</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Could you do that computation if</p> <p>3 you wanted to?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: I believe I've</p> <p>6 answered that. I don't know if I could.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. All right. Let's keep going down</p> <p>9 the list.</p> <p>10 A. The Coroner's Lab Fund, 28312.</p> <p>11 This is separate from the Regional Crime Lab</p> <p>12 Fund.</p> <p>13 So they actually have two funds</p> <p>14 called "the lab fund." This, again, would</p> <p>15 have some expenses related to opiates. This</p> <p>16 fund generates revenue.</p> <p>17 Our county performs autopsies</p> <p>18 for adjacent and smaller counties that don't</p> <p>19 have the resources that we have available to</p> <p>20 us. And the majority of the revenue in this</p> <p>21 fund comes from those fees.</p> <p>22 Q. Fees from other counties?</p> <p>23 A. That's correct.</p> <p>24 Q. What other special revenue</p> <p>25 sources does this special revenue fund have?</p>	<p style="text-align: right;">Page 297</p> <p>1 this is revenue that is charged by the</p> <p>2 Common Pleas Court. It is statutory. They</p> <p>3 access a fee for individuals who are placed</p> <p>4 on probation. It's a monthly fee. If</p> <p>5 they're indigent, they don't have to pay,</p> <p>6 but they try to get whatever money they can.</p> <p>7 And then those funds are then</p> <p>8 used for services for the individuals on</p> <p>9 probation. Some of these individuals would</p> <p>10 have been opiate-addicted. And included in</p> <p>11 the expenditures are some treatment</p> <p>12 services.</p> <p>13 Q. Okay.</p> <p>14 Do you know how much of the</p> <p>15 expenditures go to addiction treatment</p> <p>16 services?</p> <p>17 A. I do not off the top of my head,</p> <p>18 no.</p> <p>19 Q. So I take it, then, you wouldn't</p> <p>20 also be able to tell us how much of whatever</p> <p>21 that amount is to addiction services is</p> <p>22 directed toward opiate?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: I'm still not able</p> <p>25 to tell you that.</p>

<p style="text-align: right;">Page 298</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Okay.</p> <p>3 A. Flipping to the next page, the</p> <p>4 first fund, the Cuayahoga Support Enforcement</p> <p>5 Agency, this is the fund that is associated</p> <p>6 with what is now called the Office of Child</p> <p>7 Support Services.</p> <p>8 Child Support Services has been</p> <p>9 affected by the opiate epidemic. I would</p> <p>10 leave it to Debra -- or Walter Parfejewiec,</p> <p>11 who is now the director of HHS, of how</p> <p>12 exactly that has affected that particular</p> <p>13 agency.</p> <p>14 But a portion of their total</p> <p>15 budget comes from the HHS levy fund. So</p> <p>16 they're one of the subsidies.</p> <p>17 Q. How does that tie to opiates?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: These are -- I'm</p> <p>20 sorry. These families are affected by</p> <p>21 the opiate epidemic. There is a large</p> <p>22 overlap between the families that are</p> <p>23 engaged in the Office of Child Support</p> <p>24 Services and the families that are</p> <p>25 engaged in Children and Family Services.</p>	<p style="text-align: right;">Page 300</p> <p>1 from the federal Title IV-E program, which is</p> <p>2 Title IV-E of the Social Security Act. This</p> <p>3 reimburses for costs associated with</p> <p>4 out-of-home care.</p> <p>5 Q. These are reimbursements from the</p> <p>6 federal government?</p> <p>7 A. From the federal government</p> <p>8 through the state government. Costs are</p> <p>9 incurred in another special revenue fund by</p> <p>10 the HHS levy, but by Ohio Revised Code and an</p> <p>11 agreement with the Court and ODJFS, which is</p> <p>12 the Ohio Department of Job and Family</p> <p>13 Services, the Court is entitled to all</p> <p>14 revenue reimbursements. So the HHS levy pays</p> <p>15 for it and the Court gets the reimbursement.</p> <p>16 Q. Does the federal government</p> <p>17 reimburse 100 percent?</p> <p>18 A. No, it does not.</p> <p>19 Q. What percentage does it</p> <p>20 reimburse?</p> <p>21 A. That's a calculation that will</p> <p>22 vary based on penetration rates, poverty</p> <p>23 rates. It's the demographics of the children</p> <p>24 involved in these systems. Generally</p> <p>25 speaking, it's about 35 percent.</p>
<p style="text-align: right;">Page 299</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Just for the sake of time, why</p> <p>3 don't we just do this. Why don't you just --</p> <p>4 because some of these I may be able to deal</p> <p>5 with kind of more collectively --</p> <p>6 A. Okay.</p> <p>7 Q. -- if your answers are going to</p> <p>8 be the same, which I suspect they might be,</p> <p>9 given what you've said so far.</p> <p>10 Just identify for me the ones</p> <p>11 you want to underline for us as kind of</p> <p>12 having to do with expenditures related to</p> <p>13 opiates.</p> <p>14 So just keep going down the</p> <p>15 list. We just won't pause as much on each</p> <p>16 one.</p> <p>17 A. Okay. Title IV-E, juvenile</p> <p>18 court.</p> <p>19 Q. Now, is that special revenue fund</p> <p>20 the only operating special revenue fund for</p> <p>21 the juvenile court?</p> <p>22 A. No. They have several.</p> <p>23 Q. What does this particular special</p> <p>24 revenue fund do?</p> <p>25 A. It captures the reimbursements</p>	<p style="text-align: right;">Page 301</p> <p>1 Q. Okay. What else?</p> <p>2 A. Public defender -- skipping a</p> <p>3 little bit down. Public defender has two</p> <p>4 special revenue funds and then they also have</p> <p>5 a General Fund budget, so Public Defender</p> <p>6 Cleveland Municipal, Public Defender HHS.</p> <p>7 Q. How are those two funds funded?</p> <p>8 A. The municipal is funded by a</p> <p>9 contract with the city of Cleveland. HHS is</p> <p>10 from the Health and Human Services levies.</p> <p>11 Q. 100 percent from HHS?</p> <p>12 A. That's correct.</p> <p>13 Juvenile court detention and</p> <p>14 probation services, 28A11, that fund largely</p> <p>15 includes the cost of board and care for</p> <p>16 juveniles who we can't send to the Ohio</p> <p>17 Department of Youth Services, which is the</p> <p>18 prison system for the juveniles, but, you</p> <p>19 know, should not be, you know, unrestricted</p> <p>20 in the community. So we send them to</p> <p>21 restricted placements.</p> <p>22 That fund also captures the cost</p> <p>23 of our guardian ad litem. The guardian</p> <p>24 ad litem are assigned to every child who is</p> <p>25 in court for an abuse, dependency, or</p>

<p style="text-align: right;">Page 302</p> <p>1 neglect case. Those costs are all covered 2 by the levies. 3 Q. The HHS levies? 4 A. That's correct. And they have 5 increased substantially over the last couple 6 of years. 7 Q. Has Cuyahoga County directed more 8 of the HHS levy to the special revenue funds 9 in recent years? 10 A. I would have to look at -- I 11 don't know if -- I'd have to see how much 12 they each got, but it could have been a 13 combination of more funds and also the Court 14 having to cut something else to accommodate 15 an increase elsewhere. 16 Just because an agency sees an 17 increase in cost X doesn't mean that we 18 respond with additional funding because we 19 have limited funds. So it's always an 20 opportunity cost there that you pay for 21 this, so now we don't pay for this anymore. 22 Mental health services, HHS, 23 about two-thirds down, 20A30, that is 24 associated with the cost of providing mental 25 healthcare in the jail.</p>	<p style="text-align: right;">Page 304</p> <p>1 BY MR. BOEHM: 2 Q. Or maybe even going down? 3 MR. BADALA: Objection to form. 4 THE WITNESS: I don't know. 5 BY MR. BOEHM: 6 Q. You don't know? 7 A. I don't know. 8 The second from the bottom, 9 Children and Family Services -- 10 Q. I'm sorry. Before we -- I guess 11 that Mental Health Services HHS is from the 12 HHS levy fund? 13 A. Yes. Sorry. I thought I said 14 that. 15 Q. 100 percent? 16 A. Yes. 17 Second from the bottom, Children 18 and Family Services, this is another one of 19 the special revenue funds that supports the 20 Department of Children and Family Services. 21 All of the department's personnel costs are 22 included in this fund. 23 Q. Personnel costs? 24 A. So all of our social workers. It 25 includes some foster care expenses,</p>
<p style="text-align: right;">Page 303</p> <p>1 That is solely HHS levy dollars. 2 And the majority of the inmates in our 3 facility that have mental illnesses are 4 dually diagnosed. 5 Q. Double diagnosed with some 6 addiction? 7 A. That's correct. 8 Q. But you don't know how many are 9 diagnosed with opiate addiction? 10 A. I do not know that, but I do know 11 that the number of opiate-addicted inmates 12 have been increasing over the last couple 13 years. 14 Q. Do you know whether the level of 15 inmates who are addicted to other substances 16 has been increasing, decreasing, or staying 17 the same? 18 MR. BADALA: Objection to form. 19 THE WITNESS: My understanding is 20 that the number of inmates that are 21 opiate-addicted is increasing at a 22 greater rate. Now, whether that means 23 the other ones are increasing just a 24 little or staying the same, I don't 25 know.</p>	<p style="text-align: right;">Page 305</p> <p>1 supportive services. 2 So DCFS -- it's important to 3 note with this fund, when we receive an 4 allegation of abuse or neglect, there are 5 several options. One is you go in, you take 6 the child. One, you just say it's not 7 substantiated and you close the case. And 8 then one is you provide services in the home 9 while the child stays in the home in an 10 attempt not to remove the child. 11 Moving a child from a home is 12 extremely traumatic. 13 Q. How is this -- I'm sorry. 14 A. I'm telling you this is relevant 15 because these costs have increased. We've 16 had to increase staffing levels because the 17 number of families that we're dealing with 18 who have opiate addiction issues, they don't 19 warrant the level where we're actually taking 20 the children, but the number of families who 21 we're serving in the home has increased 22 substantially. 23 Q. Has the division of Children and 24 Family Services increased its number of 25 social service workers?</p>

<p style="text-align: right;">Page 306</p> <p>1 A. They have increased, at least in 2 2018, overtime. I don't know head count. I 3 go by FTEs. And I know that their overtime 4 is through the roof. Every pay period in 5 2018, overtime hours are higher than the same 6 pay period last year. 7 Q. Do you know how the expenditures 8 out of the Children and Family Services 9 special revenue fund, as reflected here, 10 compare to expenditures in past years? 11 MR. BADALA: Objection to form. 12 THE WITNESS: In 2018, the 13 expenses are much higher. The 14 department has had to receive additional 15 funding this year. They got several 16 infusions of additional funding in 2018. 17 I would have to look at a report to see 18 prior years. 19 BY MR. BOEHM: 20 Q. Anything else? 21 A. Oh, yes. Flipping the page, 22 24A435, Tapestry System of Care, this is the 23 third fund that supports Children and Family 24 Services. I can't say how much, but some of 25 these expenses would be opiate-related.</p>	<p style="text-align: right;">Page 308</p> <p>1 have been sent back to their homes. 2 These services are meant to avoid 3 disruptions and a repeat of coming back 4 into the system. 5 BY MR. BOEHM: 6 Q. What are the revenue sources for 7 this special revenue fund? 8 A. The Health and Human Services 9 Levy Fund. 10 Q. 100 percent? 11 A. 100 percent. 12 The next fund down, 24A510, Job 13 and Family Services, this is our -- 14 essentially the welfare department for 15 Cuyahoga County. This is where we -- 16 included in here would be the Medicaid 17 expenses, the costs associated with Medicaid 18 eligibility, and all of our entitlement 19 programs. 20 So this would include, as I 21 said, Medicaid, which is related -- people 22 that are on opiates are supported by 23 Medicaid. Additionally, most -- not most, 24 but a lot of the children that have been 25 removed from their homes the last couple</p>
<p style="text-align: right;">Page 307</p> <p>1 Q. Why do you say that? 2 A. Because a great portion of 3 Children and Family Services' expenses in 4 general are opiate-related. That's the 5 report coming back. 6 Q. What specific expenditures out of 7 the revenue fund are you aware of having to 8 do with opiate abuse or misuse? 9 A. I haven't answered that question 10 for any of the funds because I don't know the 11 exact dollar amount, but I can tell you that 12 something in this fund is attributed to the 13 opiate abuse. 14 Q. What? Even if you don't know of 15 particular line item expenditures, what are 16 the specific types of expenditures that you 17 know to be directly related to opiate use or 18 abuse out of this special revenue fund, if 19 any? 20 MR. BADALA: Objection to form. 21 THE WITNESS: These are expenses 22 that are paid -- supportive expenses, 23 what we call wraparound expenses, which 24 are meant to -- they're provided to the 25 children and families after the children</p>	<p style="text-align: right;">Page 309</p> <p>1 years have been placed with families. It's 2 called a kinship placement. It's better 3 outcomes for the child, and it's also less 4 expensive to the county because most of the 5 kinship placements are not paid. 6 You would be paid foster parent. 7 If you take your nephew, generally speaking, 8 you are not paid. That is one way that we 9 have been able to contain costs in this 10 department in particular, despite the 11 skyrocketing of the number of kids in 12 placement. 13 Q. Have you actually been able to 14 reduce costs? 15 A. I don't believe that our costs 16 have been reduced. But if we did not have 17 the ability to do the kinship placements, I 18 would be crying right now. I mean, the 19 number of children in custody has increased 20 from 1,600 when I started; now we're at 2,550 21 this week. And they're expensive. 22 I don't mean to sound cold about 23 that, but it's expensive to provide care out 24 of home. And then these children, 25 unfortunately, tend to stay with us forever.</p>

<p style="text-align: right;">Page 310</p> <p>1 Q. What are the sources of funds for 2 this special revenue fund? 3 MR. BADALA: Are you done? 4 THE WITNESS: Well, I just wanted 5 to point out that a lot of the children 6 who are placed in their kinship 7 placements, they get benefits through 8 Job and Family Services. So they're not 9 getting direct stipends from families, 10 but they are entitled to different kinds 11 of welfare benefits. 12 This fund receives levy dollars 13 and it then it also receives federal 14 and state reimbursements. 15 BY MR. BOEHM: 16 Q. What are the proportions of HHS 17 levy dollars versus state and federal 18 dollars? 19 A. For 510, they receive about -- 20 it's mostly federal and state. So they 21 receive about 8 million a year from the HHS 22 levy fund, and their total revenue, at least 23 according to this, was budgeted at 24 73 million. 25 Q. So --</p>	<p style="text-align: right;">Page 312</p> <p>1 identify there in the special revenue funds? 2 A. No others jump out at me. I'm 3 not saying that it's not possible, but -- 4 BY MR. BOEHM: 5 Q. I want you to look and I want you 6 to tell me if your -- 7 A. I did look and those are the ones 8 that jump out at me. 9 Q. If you need to look again, I'm 10 happy to wait for you to do that, because I 11 do believe I'm entitled to your testimony 12 about your understanding. So if there are 13 others that you want to talk about, please 14 let us know now. 15 A. There aren't. 16 MR. BADALA: We've been going 17 about an hour and a half. Maybe if 18 you're at a transition, we can take a 19 five-minute break? 20 MR. BOEHM: Sure. 21 THE VIDEOGRAPHER: Off the 22 record, 3:35. 23 (Recess taken, 3:35 p.m. to 24 3:48 p.m.) 25 THE VIDEOGRAPHER: We're on the</p>
<p style="text-align: right;">Page 311</p> <p>1 A. So 8 of 73. 2 Q. Comes from HHS, the rest comes 3 from state and federal? 4 A. That's correct. 5 Q. Okay. 6 A. But I do want to point out that 7 the state and federal dollars that we get, 8 those are either entitlement programs or 9 formula driven. And the county does have a 10 great deal of discretion in how those dollars 11 are allocated. So if we spend them all here, 12 because these costs are going up, that means 13 we're not spending them in children and 14 family. We're not spending them in child 15 support. 16 Let's see. 17 So the only other one that I 18 would point out that's not in the special 19 revenue funds on our list would be the 20 ADAMHS Board. The ADAMHS board does receive 21 money from the county, \$39 million a year, 22 but their total budget is not reflected in 23 our financials. 24 Q. Okay. That's a good transition. 25 Is that it? Any others that you want to</p>	<p style="text-align: right;">Page 313</p> <p>1 record, 3:48. 2 BY MR. BOEHM: 3 Q. All right, Ms. Keenan. We are 4 back after a short break. And I'm going to 5 ask you to turn now to page 10960 of 6 Exhibit 3. 7 This is the part of the budget 8 plan, as I understand it, that describes the 9 departmental budgets and performances. 10 Do you see that? 11 A. That's correct. 12 Q. And this one has to do with 13 Health and Human Services. 14 A. That's correct. 15 Q. And if you turn to the next page, 16 the first category in the Health and Human 17 Services group is the ADAMHS Board. That's 18 the Alcohol, Drug Addiction, and Mental 19 Health Services board. 20 Do you see that? 21 A. Yes. 22 Q. And I think you indicated that 23 there was a time when the ADAMHS Board was 24 actually two different boards, and then there 25 was a merger into a single entity which we</p>

<p style="text-align: right;">Page 314</p> <p>1 now refer to as the ADAMHS Board, right?</p> <p>2 A. Yes.</p> <p>3 Q. When did that merger happen?</p> <p>4 A. Discussions began in 2008. I</p> <p>5 don't remember if it finished in '08 or 2009.</p> <p>6 Q. Do you recall why the two boards</p> <p>7 merged?</p> <p>8 A. I would like to say it's because</p> <p>9 that's what I wrote my master's thesis on and</p> <p>10 I gave it to the county.</p> <p>11 Q. You wrote your master's thesis on</p> <p>12 what?</p> <p>13 A. Merging the two boards.</p> <p>14 Q. What was your thesis?</p> <p>15 A. To merge the two boards.</p> <p>16 Q. Why?</p> <p>17 A. Overlap in -- I'm being a little</p> <p>18 facetious, but overlap in service provision.</p> <p>19 A lot of these patients are dually diagnosed.</p> <p>20 It doesn't make sense to send them to two</p> <p>21 separate, completely distinct entities for</p> <p>22 treatment. Treatment should be coordinated.</p> <p>23 Part of the problem with the</p> <p>24 system in general is that we are siloed in</p> <p>25 how we treat a lot of these individuals, and</p>	<p style="text-align: right;">Page 316</p> <p>1 the merger has saved money for the</p> <p>2 county. The county's funding to the</p> <p>3 system -- previously, the two systems --</p> <p>4 is discretionary. We're under no</p> <p>5 obligation to provide funding to the</p> <p>6 board, but of course we do because it's</p> <p>7 seen as a moral mandate. I don't have</p> <p>8 ready access to the financials for the</p> <p>9 ADAMHS Board. They are not part of the</p> <p>10 county's all-funds budget.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Why do they show up in the budget</p> <p>13 at all?</p> <p>14 A. Because we provide them</p> <p>15 \$39 million a year.</p> <p>16 Q. How much of their total budget</p> <p>17 does the \$39 million out of the HHS levy fund</p> <p>18 represent? Do you know?</p> <p>19 A. Not off the top of my head.</p> <p>20 Q. Does Cuyahoga County have a rainy</p> <p>21 day fund?</p> <p>22 A. We do not.</p> <p>23 Q. Has Cuyahoga County ever had a</p> <p>24 rainy day fund?</p> <p>25 MR. BADALA: Objection to form.</p>
<p style="text-align: right;">Page 315</p> <p>1 they're starting out a little bit behind the</p> <p>2 starting line from the beginning because</p> <p>3 they are mentally ill. They have drug</p> <p>4 treatment problems.</p> <p>5 Both of these boards are</p> <p>6 expensive. They had administrative costs</p> <p>7 associated with both of them. The thought</p> <p>8 process was that there would be either a</p> <p>9 reduction in expenses, or same expenses, but</p> <p>10 a greater proportion spent on direct service</p> <p>11 provision.</p> <p>12 Q. Based on your understanding as</p> <p>13 the director of the Office of Budget</p> <p>14 Management, has that turned out to be true?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Well, that's a good point. You</p> <p>18 said a lot, and then my question didn't</p> <p>19 specify what part of it was true.</p> <p>20 Based on your understanding as</p> <p>21 the director of the Office of Budget</p> <p>22 Management, do you believe it's true that</p> <p>23 the merger has saved money for the county?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I don't know that</p>	<p style="text-align: right;">Page 317</p> <p>1 THE WITNESS: Not at least going</p> <p>2 back to 2006.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. Does Cuyahoga County have any</p> <p>5 process by which it reserves funds in case of</p> <p>6 emergency or unexpected issues that it has to</p> <p>7 spend money on?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: The county is bound</p> <p>10 by two separate provisions in the county</p> <p>11 code, which require, one, that we</p> <p>12 maintain a 25 percent cash balance in</p> <p>13 the General Fund for reserves, and a</p> <p>14 10 percent cash balance in the Health</p> <p>15 and Human Services Levy Fund.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. What's the purpose of that</p> <p>18 requirement?</p> <p>19 A. To protect the county against</p> <p>20 catastrophic events. We are not in the</p> <p>21 position to close our doors.</p> <p>22 Q. Has the county ever had to dip</p> <p>23 into those reserves since you've been</p> <p>24 involved at the Office of Budget Management?</p> <p>25 A. Absolutely.</p>

<p style="text-align: right;">Page 318</p> <p>1 Q. When?</p> <p>2 A. The county spent down reserves in</p> <p>3 2015, 2016 -- not spent down in full, but we</p> <p>4 tapped reserves in 2015, 2016, 2017, 2018.</p> <p>5 Q. How much of those reserves did</p> <p>6 the county tap in those years?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: In 2015, at least</p> <p>9 35 million. This year, it's about</p> <p>10 30 million. The other two years, I</p> <p>11 can't remember off the top of my head.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. In 2015, where did the</p> <p>14 \$35 million that you tapped into go?</p> <p>15 A. Capital projects.</p> <p>16 Q. Anything else?</p> <p>17 A. No.</p> <p>18 Q. And then you said in this year,</p> <p>19 it's 30 million? And where is the</p> <p>20 \$30 million that you tapped into the reserves</p> <p>21 for this year go?</p> <p>22 A. It's -- that's General Fund</p> <p>23 reserves that I'm talking about, the</p> <p>24 30 million. And that is going to every</p> <p>25 county agency and department supported by the</p>	<p style="text-align: right;">Page 320</p> <p>1 And they have increased funding</p> <p>2 in their contractual budget line to add a</p> <p>3 new -- what we call a neighborhood</p> <p>4 collaborative, which is funding to a</p> <p>5 neighborhood center to support families in</p> <p>6 the communities in which they reside.</p> <p>7 Q. Is any of that \$6 million</p> <p>8 directed specifically to issues related to</p> <p>9 opiate abuse?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: Yes, it is.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. How so and how much?</p> <p>14 A. The increase in the number of</p> <p>15 children in out-of-home placement is driven</p> <p>16 in part by the opiate epidemic.</p> <p>17 As I said before, I cannot say a</p> <p>18 specific dollar amount.</p> <p>19 Q. We're going to talk about that in</p> <p>20 a minute and test that proposition that,</p> <p>21 indeed, expenditures have risen. But before</p> <p>22 we do that, I just want to make sure I have</p> <p>23 it clear.</p> <p>24 Is your testimony here today</p> <p>25 that Cuyahoga County has actually increased</p>
<p style="text-align: right;">Page 319</p> <p>1 General Fund. Revenue is coming in slightly</p> <p>2 under budget, so you're always going to tap</p> <p>3 reserves. And our appropriation levels have</p> <p>4 increased since the start of the year. So</p> <p>5 when you increase your appropriation, you're</p> <p>6 going to have to tap into your reserves.</p> <p>7 We also have some capital</p> <p>8 projects that we're undertaking this year</p> <p>9 that are being paid for by reserves. On the</p> <p>10 Health and Human Services levy side, we had</p> <p>11 a reserve of \$6 million set aside for the</p> <p>12 Department of Health and Human Services.</p> <p>13 The Department of Children and Family</p> <p>14 Services has exhausted 6 million of the</p> <p>15 \$7 million reserve.</p> <p>16 Q. Do you know where that \$6 million</p> <p>17 went to, what specific expenditures it</p> <p>18 covered?</p> <p>19 A. I do. It covered personnel. The</p> <p>20 majority of it was in personnel. We're</p> <p>21 trying to hire additional social workers to</p> <p>22 keep up with the increase in the number of</p> <p>23 families that we're serving in their home and</p> <p>24 children that we're serving outside of their</p> <p>25 natural homes.</p>	<p style="text-align: right;">Page 321</p> <p>1 its expenditures for purposes of foster care</p> <p>2 in the county due to the opiate epidemic?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: I believe I said</p> <p>5 the exact opposite of that.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Okay.</p> <p>8 A. What I said was the increase of</p> <p>9 children in out-of-home care has increased.</p> <p>10 The number of families that we're serving has</p> <p>11 increased. But our expenses, with the</p> <p>12 exception of 2018 where there was a \$6</p> <p>13 million subsidy increase, have remained</p> <p>14 relatively flat because we're using kinship</p> <p>15 placements.</p> <p>16 Q. Do you consider kinship</p> <p>17 placements to be superior than other forms of</p> <p>18 foster care?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: I'm not a social</p> <p>21 worker.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. So you don't have an opinion</p> <p>24 about that?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 322</p> <p>1 (Email chain, Bates 2 CUYAH_005324032 through 3 CUYAH_005324034, marked as 4 Deposition Exhibit 4.) 5 BY MR. BOEHM: 6 Q. All right. I want to direct your 7 attention to this document that's been marked 8 as Exhibit 4 for purposes of your deposition. 9 And this is an email chain. So that means if 10 you want to start at the beginning, you have 11 to go to the back. 12 This email chain begins on 13 January 27th, 2010. It's an email from you 14 to Joanna Henz. And you ask whether she can 15 give you a paragraph on the MH liaison in 16 the municipal jails program. 17 Do you see that? 18 A. Yes. 19 Q. Who is Joanna Henz? 20 A. My sister. 21 Q. And does she work for Cuyahoga 22 County? 23 A. At the time, she worked for the 24 ADAMHS Board. 25 Q. What did she do for the ADAMHS</p>	<p style="text-align: right;">Page 324</p> <p>1 stops just short. What are you going to 2 fund? A body to sit in the jail and 3 identify referral sources?" And then you go 4 on a little bit. 5 Do you see that? 6 A. I do. 7 Q. What did you mean by that? What 8 are you saying to her in this email? 9 MR. BADALA: Objection to form. 10 THE WITNESS: Based on the 11 description that she provided me, I did 12 not know exactly how the \$100,000 would 13 be spent. 14 BY MR. BOEHM: 15 Q. You were seeking clarification 16 about that, right? 17 A. That's correct. 18 Q. But it seemed to you, based on 19 your follow-up email, that it was for a body 20 to sit in the jail to identify referral 21 sources, or at least you were asking if 22 that's what this was, right? 23 MR. BADALA: Objection to form. 24 THE WITNESS: I was asking if 25 that's what it was.</p>
<p style="text-align: right;">Page 323</p> <p>1 Board? 2 A. She was a quality improvement 3 specialist. 4 Q. And you were asking her for a 5 paragraph on the MH liaison in the municipal 6 jails program. 7 Do you see that? 8 A. I do. 9 Q. What is the MH liaison in the 10 municipal jails program? 11 A. MH would stand for mental health. 12 A liaison in the municipal jails program -- I 13 don't remember. This was eight years ago. 14 Q. Okay. 15 Does your sister Joanna continue 16 to work for the county? 17 A. No, she does not. 18 Q. Where is she now? 19 A. She's on disability, recovering 20 from a double lung transplant. 21 Q. I'm sorry to hear that. 22 She writes you back and provides 23 you with what she hopes will be an answer to 24 your request. And then you write back -- 25 this is all the same day -- to say, "This</p>	<p style="text-align: right;">Page 325</p> <p>1 BY MR. BOEHM: 2 Q. And she says: 3 "No. It's to provide money to an 4 agency that will actually do 5 assessment and either take the client 6 themselves or refer them to another 7 agency, and the money is to pay for 8 the staff." 9 Do you see that? 10 A. Yes. 11 Q. And you write: 12 "Sounds fake. So basically it's 13 a back-door way to give an agency 14 more money." 15 Do you see that? 16 A. Yes. 17 Q. What did you mean when you said 18 that sounded fake? 19 MR. BADALA: Objection to form. 20 THE WITNESS: I would ask you to 21 remember that I'm emailing my sister. 22 So our emails are not going to stay as 23 professional as they would if I were 24 emailing somebody who wasn't related to 25 me.</p>

<p style="text-align: right;">Page 326</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. You're a little more blunt?</p> <p>3 A. Pardon me?</p> <p>4 Q. You're a little more blunt than</p> <p>5 you might otherwise be?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: No. Actually, I</p> <p>8 don't think they're more blunt than I</p> <p>9 would otherwise be. I don't have a</p> <p>10 problem being blunt. But sometimes I'm</p> <p>11 joking. So when I say "Sounds fake,"</p> <p>12 I'm joking.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Oh, you were joking here?</p> <p>15 A. I was joking there, but --</p> <p>16 Q. Then you say:</p> <p>17 "It's basically a back-door way</p> <p>18 to give an agency more money?"</p> <p>19 Were you joking there too?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I would have to</p> <p>22 read the whole thing if you want me to</p> <p>23 answer that.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. Sure. Sure.</p>	<p style="text-align: right;">Page 328</p> <p>1 joking?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: That specific is a</p> <p>4 joke.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Okay.</p> <p>7 She writes -- she didn't seem to</p> <p>8 think you were joking, because she actually</p> <p>9 writes back and says, "It's not fake."</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: I disagree with</p> <p>12 that statement. My sister knows what I</p> <p>13 meant.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. Okay.</p> <p>16 She responds and explains to you</p> <p>17 a little bit more about what she's</p> <p>18 suggesting, right?</p> <p>19 A. That's correct.</p> <p>20 Q. And then you say, "What's to stop</p> <p>21 Marty Lentz from calling Mobile Crisis on a</p> <p>22 person? That's still getting the assessment.</p> <p>23 You can bring a horse to water, my friend.</p> <p>24 I'm into it, but not when we're cutting other</p> <p>25 things to get to it. We're cutting treatment</p>
<p style="text-align: right;">Page 327</p> <p>1 MR. PERGAMENT: Paul, would you</p> <p>2 mind reading the Bates Number in while</p> <p>3 she's reading?</p> <p>4 MR. BOEHM: Yes. Of course.</p> <p>5 It's a Cuyahoga production, 5324032.</p> <p>6 THE WITNESS: So my concern</p> <p>7 was -- or my question, perhaps a better</p> <p>8 word, is it sounds like this was a</p> <p>9 referral service. And I'm wondering why</p> <p>10 the staff in the jails couldn't provide</p> <p>11 the inmates with a list of the agencies</p> <p>12 that provide these services as opposed</p> <p>13 to paying one of their staff members to</p> <p>14 sit in the jail and say, "Come to us</p> <p>15 when you get out."</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Right. You were questioning</p> <p>18 whether or not this request for additional</p> <p>19 funding was justifiable. Is that fair?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I question</p> <p>22 everything.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. And so when you said it sounds</p> <p>25 fake, did you mean that or were you just</p>	<p style="text-align: right;">Page 329</p> <p>1 to fund referrals. That's so messed up."</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. So when you say, "You can bring a</p> <p>5 horse to water, my friend," what did you mean</p> <p>6 by that?</p> <p>7 A. Referrals don't necessarily</p> <p>8 provide treatment. The mental health and the</p> <p>9 AOD population need treatment. Based on my</p> <p>10 opinion of what I know of the system, we have</p> <p>11 enough opportunities for referrals out there.</p> <p>12 We don't have enough treatment beds.</p> <p>13 I can call anyone in the county</p> <p>14 and get a referral to a dozen places that</p> <p>15 provide treatment for my prescription opiate</p> <p>16 addiction. When I call those places, I'm</p> <p>17 going to get put on a wait list.</p> <p>18 Personal opinion, I want to see</p> <p>19 more money going to treatment.</p> <p>20 Q. This goes back to a question that</p> <p>21 I asked you, I think, earlier in the day,</p> <p>22 which was to what extent do your own personal</p> <p>23 policy preferences inform your official</p> <p>24 activities in the Office of Budget</p> <p>25 Management.</p>

<p style="text-align: right;">Page 330</p> <p>1 A. Uh-huh.</p> <p>2 Q. Is this one of those instances</p> <p>3 where your own personal views impact the way</p> <p>4 you perceive, interpret, and relate to</p> <p>5 requests?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: It absolutely is</p> <p>8 not. Because what you don't see in this</p> <p>9 email chain is what my recommendation</p> <p>10 was on this particular project.</p> <p>11 I can complain about a project</p> <p>12 all I want, particularly to my sister,</p> <p>13 but it doesn't mean that I am going to</p> <p>14 not recommend it based on my own</p> <p>15 opinion. I also recognize I'm not the</p> <p>16 expert when it comes to addiction</p> <p>17 services.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. Is your sister an expert in</p> <p>20 addiction services?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I would not qualify</p> <p>23 her as an expert, no.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. Does she have a public health</p>	<p style="text-align: right;">Page 332</p> <p>1 Q. What were you trying to convey</p> <p>2 with that?</p> <p>3 A. That's a joke.</p> <p>4 Q. That's a joke? What's the funny</p> <p>5 part of that joke?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: My sister thought</p> <p>8 it was funny. Ask her.</p> <p>9 MR. BOEHM: Okay. We're going to</p> <p>10 go to Exhibit 5.</p> <p>11 (Email chain, Bates</p> <p>12 CUYAH_001764533 through</p> <p>13 CUYAH_001764535, marked as</p> <p>14 Deposition Exhibit 5.)</p> <p>15 MR. BOEHM: And here's a copy for</p> <p>16 you, Ms. Keenan. And here's a copy for</p> <p>17 you, Mr. Badala, and Joe and Scott.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. Here's another email exchange.</p> <p>20 And this one has to do with the ADAMHS Board,</p> <p>21 which is what we were just talking about in</p> <p>22 the budget.</p> <p>23 There's an email, if you look at</p> <p>24 the bottom of the page there, from</p> <p>25 September 5th, 2017, from Mr. Gregory Beyer.</p>
<p style="text-align: right;">Page 331</p> <p>1 background?</p> <p>2 A. She has a master's in psychology.</p> <p>3 Q. She writes back to you and says,</p> <p>4 "We're not cutting treatment. We're</p> <p>5 increasing access to it."</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. So this is just a continuation of</p> <p>9 your conversation.</p> <p>10 And in response to you having</p> <p>11 said that this sounds fake, she writes at</p> <p>12 the end: "That's like telling me" -- I</p> <p>13 think she meant to say, "That's like me --</p> <p>14 Let me start this over.</p> <p>15 There's a little typo in what</p> <p>16 she says, but I think it says:</p> <p>17 "That's like me telling you your</p> <p>18 budget is fake. There is a use for</p> <p>19 it, for real."</p> <p>20 Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. And then you write back: "The</p> <p>23 budget IS fake." And "is" is in all caps.</p> <p>24 Do you see that?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 333</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And it's to Frank Brickner, who</p> <p>4 appears, based on the email address, to work</p> <p>5 for the ADAMHS board, right?</p> <p>6 A. That's correct.</p> <p>7 Q. Who is Greg Beyer?</p> <p>8 A. He's an analyst at OBM.</p> <p>9 Q. He works under you?</p> <p>10 A. He works under a supervisor who</p> <p>11 works under me.</p> <p>12 Q. And he writes to Frank,</p> <p>13 Mr. Brickner, that it's his understanding</p> <p>14 that the ADAMHS Board will be receiving</p> <p>15 \$39,363,659 in 2018 and 2019.</p> <p>16 See that?</p> <p>17 A. I do.</p> <p>18 Q. It looks like their budget got</p> <p>19 cut by \$2 if you look in the budget plan.</p> <p>20 But that's basically the number that they</p> <p>21 ended up getting in the budget, right? Yes?</p> <p>22 A. I believe so.</p> <p>23 Q. And Greg asks Frank whether the</p> <p>24 number is going to be sufficient for 2018 and</p> <p>25 2019 or if the ADAMHS Board is going to ask</p>

<p style="text-align: right;">Page 334</p> <p>1 for an increase, right?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: That's correct.</p> <p>4 BY MR. BOEHM:</p> <p>5 Q. And Mr. Brickner writes back,</p> <p>6 saying that they're "still determining their</p> <p>7 budget need. Part of the ADAMHS Board</p> <p>8 challenge this past two years is that our</p> <p>9 expenses have exceeded revenues due to the</p> <p>10 opiate epidemic."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. "We have depleted our reserves."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know what reserves</p> <p>17 Mr. Brickner is referring to?</p> <p>18 A. I don't. ADAMHS doesn't fall</p> <p>19 under us. So I don't have access to their</p> <p>20 financial data.</p> <p>21 Q. Do you know the specific nature</p> <p>22 in which ADAMHS expenses had exceeded</p> <p>23 revenues due to the opiate epidemic?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: The ADAMHS Board</p>	<p style="text-align: right;">Page 336</p> <p>1 Q. I'm sorry. Where does it say</p> <p>2 that in the email?</p> <p>3 A. "Expenses exceeding revenue"</p> <p>4 means you're operating at a deficit.</p> <p>5 Q. Do you know if that -- but they</p> <p>6 had some reserves, right?</p> <p>7 A. Based on the fact that they're</p> <p>8 saying they depleted their reserves, I will</p> <p>9 assume that they had reserves to begin with.</p> <p>10 Q. But do you know if they used up</p> <p>11 all their reserves?</p> <p>12 A. I can only go by the email from</p> <p>13 their financial manager, which says they</p> <p>14 depleted their reserves. And "depleted" I</p> <p>15 take to mean they used them all.</p> <p>16 Q. But it could mean that it was</p> <p>17 just lesser, right?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. Why is it that you are -- I mean,</p> <p>21 did you talk to Mr. Brickner about this?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: Generally</p> <p>24 "depleted" means gone.</p> <p>25</p>
<p style="text-align: right;">Page 335</p> <p>1 had increased funding. I don't know for</p> <p>2 how many years, but they were</p> <p>3 essentially deficit spending to try to</p> <p>4 respond to the demand, the need, for</p> <p>5 treatment services for individuals that</p> <p>6 were addicted to prescription opiates,</p> <p>7 Fentanyl, carfentanil, and heroin.</p> <p>8 And in trying to respond to</p> <p>9 that, there was an outlay of funding,</p> <p>10 but the revenue never caught up. So</p> <p>11 based on the email, it sounds like they</p> <p>12 spent all of their reserves, which</p> <p>13 means they would have to make a</p> <p>14 decision in the future years of -- get</p> <p>15 money from somewhere else, wherever</p> <p>16 they can get it, or cut their expenses.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. And you indicated that the ADAMHS</p> <p>19 Board had been operating, I think you said,</p> <p>20 in deficit spending.</p> <p>21 A. Yes.</p> <p>22 Q. Did you mean that literally? Do</p> <p>23 you know that the ADAMHS board was operating</p> <p>24 at a loss over a period of time?</p> <p>25 A. That's what the email says.</p>	<p style="text-align: right;">Page 337</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Okay. I don't think so, but if</p> <p>3 that's your sworn testimony today.</p> <p>4 Let me just put it to you this</p> <p>5 way: Do you know that they actually used up</p> <p>6 all their reserves or do you not know?</p> <p>7 A. I said I am basing this on the</p> <p>8 email. I do not track ADAMHS's financial</p> <p>9 activity.</p> <p>10 Q. Do you don't know how many</p> <p>11 reserves they had and how much of those</p> <p>12 reserves they used; fair?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: That's correct.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. And you don't know if they used</p> <p>17 them all up or not?</p> <p>18 A. That's correct.</p> <p>19 Q. And then you jump in here at the</p> <p>20 top of this email exchange and say, "If they</p> <p>21 want to request more money, they need to do</p> <p>22 that ASAP."</p> <p>23 And I think you testified</p> <p>24 earlier that the ADAMHS Board did, in fact,</p> <p>25 come and request more money, right?</p>

<p style="text-align: right;">Page 338</p> <p>1 A. Yes.</p> <p>2 Q. And you even said, "If they want</p> <p>3 to go straight to council, they have time."</p> <p>4 Did you mean the county council?</p> <p>5 A. Yes.</p> <p>6 Q. And that means don't stop here at</p> <p>7 OBM; you can go right to the council to ask?</p> <p>8 A. No. They always have to stop at</p> <p>9 OBM. What that means is they don't have to</p> <p>10 stop with the county executive. Nothing gets</p> <p>11 into a budget that doesn't go through my</p> <p>12 office.</p> <p>13 Q. So what did you mean when you</p> <p>14 said, "If they want to go straight to</p> <p>15 council, they have time"?</p> <p>16 A. Agencies and departments can</p> <p>17 request funding in one of two ways. They can</p> <p>18 request it from the county executive, who</p> <p>19 will then say "yes" or "no." If he says yes,</p> <p>20 it's included in the executive's recommended</p> <p>21 budget to council. Or the agency can go</p> <p>22 directly to council.</p> <p>23 Q. Okay.</p> <p>24 And here you were saying, "If</p> <p>25 they want to go right to the council, they</p>	<p style="text-align: right;">Page 340</p> <p>1 So, no, I was not surprised. We</p> <p>2 were cutting budgets to balance that.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. Were you surprised that the</p> <p>5 ADAMHS Board's request for additional funding</p> <p>6 was not honored?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: Is that not what</p> <p>9 you just asked me?</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. No. I think that is different,</p> <p>12 if I understand the process correctly. What</p> <p>13 I first asked you was about the county</p> <p>14 executive and the recommended budget, right?</p> <p>15 A. Okay.</p> <p>16 Q. And you know that's separate from</p> <p>17 the actual final approved budget that gets</p> <p>18 passed through a County Council resolution?</p> <p>19 A. That's correct. I was not</p> <p>20 surprised that the council did not honor</p> <p>21 their request.</p> <p>22 Q. Notwithstanding the work that the</p> <p>23 ADAMHS Board was doing with respect to</p> <p>24 opiates?</p> <p>25 MR. BADALA: Objection to form.</p>
<p style="text-align: right;">Page 339</p> <p>1 can do that"?</p> <p>2 A. As an independent board, they</p> <p>3 have the opportunity to do that.</p> <p>4 Q. Can other divisions, departments,</p> <p>5 and programs that are not independent from</p> <p>6 Cuyahoga County government skip that step and</p> <p>7 go right to the county council?</p> <p>8 A. Agencies and departments,</p> <p>9 there's -- there is no Cuyahoga County</p> <p>10 government. We have the Cuyahoga County</p> <p>11 executive, Cuayahoga County Council,</p> <p>12 separately elected judges. The agencies that</p> <p>13 are under the authority of the executive do</p> <p>14 not have the authority to go to council</p> <p>15 without going through their elected official.</p> <p>16 Q. Were you surprised that the</p> <p>17 county executive did not choose to increase</p> <p>18 funding in the recommended budget to ADAMHS</p> <p>19 board?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: I was not</p> <p>22 surprised. This county has been</p> <p>23 operating at a deficit in the levy</p> <p>24 funds. We don't have the money to</p> <p>25 support what needs to be supported.</p>	<p style="text-align: right;">Page 341</p> <p>1 THE WITNESS: Absolutely. The</p> <p>2 decision not to fund is very rarely</p> <p>3 based on the merits of the program, or</p> <p>4 to that matter, the necessity of the</p> <p>5 program. Armond Budish acknowledges the</p> <p>6 opiate epidemic probably three to four</p> <p>7 times a week.</p> <p>8 If we had money, we would be</p> <p>9 funding ADAMHS. But we don't have</p> <p>10 money. And going back to my earlier</p> <p>11 statements about mandates, regardless</p> <p>12 of what we want to do policywise, we</p> <p>13 have to fund our mandates first.</p> <p>14 (Email, Bates CUYAH_001763476</p> <p>15 through CUYAH_001763483, marked</p> <p>16 as Deposition Exhibit 6.)</p> <p>17 MR. BOEHM: I think we're at</p> <p>18 Exhibit Number 6, which I'm going to</p> <p>19 hand to you now.</p> <p>20 And for those of you on the</p> <p>21 phone, this document has Exhibit</p> <p>22 Number -- it's the CUAYAHOGA and then</p> <p>23 1763476, and it has an attachment,</p> <p>24 -477.</p> <p>25 I'm sorry. Actually, I don't</p>

<p style="text-align: right;">Page 342</p> <p>1 know if there's a stapler in here. 2 Let's go off the record for a 3 second. I need to just reorder this. 4 It's messed up. 5 THE VIDEOGRAPHER: Off the 6 record, 4:17. 7 (Recess taken, 4:17 p.m. to 8 4:25 p.m.) 9 THE VIDEOGRAPHER: We're on the 10 record, 4:25. 11 BY MR. BOEHM: 12 Q. Welcome back, Ms. Keenan, from 13 our short break. You have now in front of 14 you the document marked Exhibit 6. For 15 purposes of this deposition, for those of you 16 on the phone, it's CUYAHOGA production 17 1763476 through 482. 18 And the first page of this 19 exhibit is an email from May 25, 2018, from 20 Wendy Feinn to you. The subject is "Emails 21 regarding opiates." 22 Do you see that? 23 A. I don't know if it matters, but I 24 go to 483. 25 Q. You're right. I'm sorry. It</p>	<p style="text-align: right;">Page 344</p> <p>1 BY MR. BOEHM: 2 Q. You're answering. 3 MR. BADALA: I said unless there 4 was a communication between counsel, 5 yes. 6 THE WITNESS: I had asked Wendy 7 to look through her emails for documents 8 related to opiates. 9 BY MR. BOEHM: 10 Q. And why had you asked Wendy to 11 review her emails for documents -- for emails 12 related to opiates? 13 MR. BADALA: And, again, 14 objection. To the extent this was a 15 communication with an attorney -- due to 16 a conversation with an attorney, I would 17 urge you not to disclose that 18 conversation. 19 THE WITNESS: I can't answer that 20 question. 21 BY MR. BOEHM: 22 Q. You can't answer my question? 23 MR. BADALA: Based on the 24 objection? 25 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 343</p> <p>1 goes to 483. My apologies. Thank you for 2 the clarification. 3 A. Okay. 4 Q. Am I right otherwise in my 5 description? 6 A. I'm sorry. Can you repeat the 7 question again? 8 Q. I'm just noting that the first 9 page is an email from Wendy Feinn to you, 10 from May 25th, 2018, subject line, "Emails 11 Re: opiates." 12 A. That is correct. 13 Q. And she says: 14 "Here are the emails that I have 15 regarding opiates." 16 Do you see that? 17 A. I do. 18 Q. What is the purpose of this email 19 from Wendy to you? 20 MR. BADALA: Objection to form. 21 And to the extent this was done at the 22 advice of counsel, I would just tell you 23 not to disclose that communication. 24 THE WITNESS: I'm sorry. I'm 25 answering, correct?</p>	<p style="text-align: right;">Page 345</p> <p>1 MR. BOEHM: Well, are you 2 instructing her not to answer that 3 question, Sal? 4 MR. BADALA: I'm instructing her 5 not to disclose the communication if it 6 was with an attorney. If you want to 7 ask your question again -- I forgot what 8 your question was. 9 BY MR. BOEHM: 10 Q. Well, my question was, why had 11 you -- I'll ask it again. 12 Ms. Keenan, why did you ask 13 Wendy Feinn to collect emails regarding 14 opiates? 15 MR. BADALA: Objection. To be 16 clear, you can answer why. But to that 17 extent, I'd tell you not to disclose a 18 communication with an attorney if it was 19 a communication, just so we're clear. 20 THE WITNESS: At the request of 21 the attorneys. 22 BY MR. BOEHM: 23 Q. Okay. And that was in May 2018. 24 Which attorney requested that 25 you collect emails regarding opiates?</p>

<p style="text-align: right;">Page 346</p> <p>1 A. I can't remember.</p> <p>2 Q. Was it a -- was it one of the</p> <p>3 attorneys who you've been preparing for your</p> <p>4 deposition with, or was it somebody who works</p> <p>5 for the county?</p> <p>6 A. It was not somebody who works for</p> <p>7 the county.</p> <p>8 Q. And then she says to you:</p> <p>9 "I figured I should share with</p> <p>10 you before I send them outside the</p> <p>11 county."</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. So she was going to send these</p> <p>15 emails to people outside of Cuyahoga County?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 THE WITNESS: She was going to</p> <p>18 send the emails to the county's counsel.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. She identifies three things: An</p> <p>21 email with the medical examiner with stats</p> <p>22 from Dr. Gilson.</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. That's Number 1.</p>	<p style="text-align: right;">Page 348</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 And I would just like to state</p> <p>3 for the record, both Ms. Feinn and</p> <p>4 Ms. Keenan's custodial files have been</p> <p>5 produced in this litigation.</p> <p>6 THE WITNESS: I honestly can't</p> <p>7 recall if I looked through my own emails</p> <p>8 and produced them or if the attorneys</p> <p>9 got them.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. I want to direct your attention</p> <p>12 to one of the items that Ms. Feinn apparently</p> <p>13 sent to you, this October monthly report.</p> <p>14 And that starts at Bates Numbers 3478. This</p> <p>15 is from October 23rd, 2017.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And this is from you, as director</p> <p>19 of the Office of Budget Management, to</p> <p>20 members of the Cuyahoga County Council,</p> <p>21 right?</p> <p>22 A. That's correct.</p> <p>23 Q. And you copy the county</p> <p>24 executive, Mr. Budish, right?</p> <p>25 A. And Dennis Kennedy, the fiscal</p>
<p style="text-align: right;">Page 347</p> <p>1 Number 2 is an October monthly</p> <p>2 report, at the bottom -- that has an excerpt</p> <p>3 quoted from the bottom of that document,</p> <p>4 right?</p> <p>5 A. That's correct.</p> <p>6 Q. And then the third thing is an</p> <p>7 email that she says has your edits to the</p> <p>8 community solutions draft report.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Did Ms. Feinn identify any other</p> <p>12 emails related to opiates besides the three</p> <p>13 that are referenced here?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: So I want to be</p> <p>16 clear that Wendy, Ms. Feinn, was only</p> <p>17 looking in her own emails, not</p> <p>18 officewise. And based on this email,</p> <p>19 these are the three she found. I cannot</p> <p>20 recall if there was a subsequent email</p> <p>21 she sent.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Did you, yourself, endeavor to</p> <p>24 collect any emails that you had related to</p> <p>25 opiates?</p>	<p style="text-align: right;">Page 349</p> <p>1 officer.</p> <p>2 Q. Right.</p> <p>3 Do you know why Ms. Feinn</p> <p>4 attached this October report in response to</p> <p>5 your request that she collect email</p> <p>6 regarding opiates?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: On page 3479, the</p> <p>9 last bullet that's the bold is</p> <p>10 "Miscellaneous obligations." There was</p> <p>11 an allocation included in the budget for</p> <p>12 contingencies. So instead of drawing on</p> <p>13 reserves, there was actually kind of a</p> <p>14 to-be-determined line in the operating</p> <p>15 budget. And this notes that we had to</p> <p>16 draw on that contingency allocation to</p> <p>17 cover shortfalls in the</p> <p>18 medical examiner's office, rising</p> <p>19 caseloads associated with the opiate</p> <p>20 epidemic.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. Right. Thank you.</p> <p>23 Specifically, what it says here</p> <p>24 is that, "There was underutilization of the</p> <p>25 \$2 million allocation in the budget for</p>

<p style="text-align: right;">Page 350</p> <p>1 contingencies." 2 Do you see that? 3 A. That's correct. 4 Q. What does it mean that there was 5 underutilization of that allocation? 6 A. It means that the 2 million at 7 the time was not spent in full. So we had 8 made a transfer for the medical examiner's 9 office, and we made a transfer for the 10 Department of Communications. 11 Q. Was the \$2 million that was 12 allocated for contingencies for the 13 year 2017? 14 A. Yes. 15 Q. It turns out that -- well, let me 16 back up for just a moment. 17 For what purpose or purposes was 18 this \$2 million allocated? Was it for 19 shortfalls in the Medical Examiner's office? 20 MR. BADALA: Objection to form. 21 THE WITNESS: It was for 22 shortfalls, period, in the General Fund. 23 BY MR. BOEHM: 24 Q. Well, the two things that are 25 identified here that actually resulted in</p>	<p style="text-align: right;">Page 352</p> <p>1 BY MR. BOEHM: 2 Q. You don't know one way or the 3 other, right? 4 MR. BADALA: Were you done 5 answering? 6 THE WITNESS: I'm not done 7 answering. 8 BY MR. BOEHM: 9 Q. I'm sorry. Go ahead. 10 A. This is only in the General Fund. 11 So we did not have a contingency in any of 12 the other funds. 13 Q. You don't know one way or another 14 whether the scenario was that your analysts 15 didn't adjust properly or not? 16 MR. BADALA: Objection to form. 17 THE WITNESS: Not without looking 18 at our -- the requests that go to 19 council. 20 BY MR. BOEHM: 21 Q. It certainly doesn't indicate 22 that here in this report from you to the 23 county council, right? 24 A. It doesn't indicate -- 25 Q. It doesn't indicate that this was</p>
<p style="text-align: right;">Page 351</p> <p>1 real expenditures were shortfalls in the 2 medical examiner's office due to rising 3 caseloads, and two, additional staff in the 4 Department of Communications, right? 5 A. That's correct. 6 Q. That amounted to a total of only 7 \$500,000, right? 8 A. That's correct. 9 Q. Why is it that it turned out that 10 the full \$2 million was not necessary? 11 MR. BADALA: Objection to form. 12 THE WITNESS: Without looking at 13 the budget documents, I'm not confident 14 agreeing with you that a \$2 million 15 reserve wasn't necessary. The policy 16 was meant to have been that if you -- 17 "you," meaning an analyst, was going to 18 increase the General Fund in one agency, 19 you would decrease that contingency. 20 I can't sit here and tell you 21 without a doubt that the analysts all 22 did that. So we may have had increases 23 without that corresponding decrease. 24 Similarly, this is only -- 25</p>	<p style="text-align: right;">Page 353</p> <p>1 just some kind of -- it doesn't explain why 2 only 500,000 of the \$2 million was actually 3 used. 4 A. That's correct. 5 Q. And you don't know why? 6 A. Like I'm saying, I cannot 7 definitively answer that question because I 8 can't confirm that we always did the 9 decrease. There may have been increases and 10 we actually didn't do the decrease. And this 11 is only in one of the county's funds. 12 Q. The General Fund, right? 13 A. That's correct. 14 I say that to point out that if 15 the assumption is that the county had an 16 extra \$1.5 million last year, we did not. 17 Q. What happened to that 18 \$1.5 million? 19 A. A budget isn't dollars. A budget 20 is appropriation. Last -- 21 Q. Well, there was \$2 million 22 allocated, right, to the contingencies, 23 right? 24 A. If I can finish, yes. 25 Q. But only \$500,000 was spent,</p>

<p style="text-align: right;">Page 354</p> <p>1 right?</p> <p>2 MR. BADALA: You're talking over</p> <p>3 each other.</p> <p>4 THE WITNESS: Can I finish,</p> <p>5 please?</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Sure, but you have a question</p> <p>8 pending.</p> <p>9 A. I understand that. I'm trying to</p> <p>10 answer your question.</p> <p>11 There needs to be an</p> <p>12 understanding of the difference between</p> <p>13 appropriation and cash. So if you see that</p> <p>14 there's \$1.5 million in appropriation that</p> <p>15 remains unspent, those aren't dollars,</p> <p>16 unfortunately, that you can clawback and</p> <p>17 spend somewhere else.</p> <p>18 If you look at our documents,</p> <p>19 last year's expenditures exceeded revenue,</p> <p>20 which means there is no extra money.</p> <p>21 Appropriation is the authority to spend,</p> <p>22 which is from a financial standpoint less</p> <p>23 significant than it sounds. There was no</p> <p>24 money left over.</p> <p>25 Q. If you turn over a couple of</p>	<p style="text-align: right;">Page 356</p> <p>1 more money, and spend more money.</p> <p>2 Budget surpluses are largely</p> <p>3 irrelevant to people working in finance in</p> <p>4 the public sector. What's most important is</p> <p>5 your revenue, which would be the equivalent</p> <p>6 of your salary, and our expenses.</p> <p>7 Just because someone says</p> <p>8 they're going to spend a million dollars a</p> <p>9 year, if your salary is only 100,000, it's</p> <p>10 completely irrelevant what you think you're</p> <p>11 going to spend. We can only spend the cash</p> <p>12 that's available to us.</p> <p>13 Q. In any event, it's true that in</p> <p>14 the General Fund, there was a surplus in</p> <p>15 nearly every agency and department supported</p> <p>16 by the General Fund; is that true?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: The General Fund</p> <p>19 had an operating deficit and a budget</p> <p>20 surplus.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. Several of these categories</p> <p>23 reflect that the amount of money that was</p> <p>24 actually spent was less than the amount of</p> <p>25 money that had been budgeted for that</p>
<p style="text-align: right;">Page 355</p> <p>1 pages to 3482, you'll see maybe two-thirds of</p> <p>2 the way down the page a section called</p> <p>3 "Expenditures."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And under that, it refers to</p> <p>7 expenditures in the General Fund. That's the</p> <p>8 first sub bullet point.</p> <p>9 Do you see that?</p> <p>10 A. That's correct.</p> <p>11 Q. It says, "\$10 million dollars</p> <p>12 under budget, driven by surpluses in nearly</p> <p>13 every agency/department budget supported by</p> <p>14 the General Fund, most notably in</p> <p>15 miscellaneous programs, information</p> <p>16 technology, and the fiscal office."</p> <p>17 Do you see that?</p> <p>18 A. Yes, but that is not an</p> <p>19 indication that agencies weren't spending</p> <p>20 more. Again, a budget is simply a budget.</p> <p>21 If the Medical Examiner's office</p> <p>22 needed an extra \$150,000 -- I'm just making</p> <p>23 that number up, and they ended up spending</p> <p>24 145, they have a surplus. But it doesn't</p> <p>25 mean that they didn't need more money, get</p>	<p style="text-align: right;">Page 357</p> <p>1 division or department, right?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: That's correct.</p> <p>4 When we set budgets, increase budgets,</p> <p>5 it's all based on projections. And in</p> <p>6 the case of many of these departments,</p> <p>7 Children and Family and juvenile court</p> <p>8 specifically, under the same bullet that</p> <p>9 you're referencing, I am never, ever</p> <p>10 going to put either of those entities in</p> <p>11 a position where they don't have the</p> <p>12 authority to spend. Because when we get</p> <p>13 a kid, we move that kid immediately.</p> <p>14 So we will overestimate always.</p> <p>15 If you look back in our budget</p> <p>16 documents going back 20 years, Children</p> <p>17 and Family Services always has a budget</p> <p>18 surplus. But they do spend more every</p> <p>19 year, but I am never going to leave</p> <p>20 these two departments in a position</p> <p>21 where they're going to come begging for</p> <p>22 council to pay the cost associated with</p> <p>23 the placement of a child.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. So you overbudget? You budget</p>

<p style="text-align: right;">Page 358</p> <p>1 more than they're actually going to spend?</p> <p>2 A. For these two agencies, we tend</p> <p>3 to ensure that there is at least sufficient</p> <p>4 funding to ensure that they are never caught</p> <p>5 in a position where they can't respond to the</p> <p>6 needs of the community.</p> <p>7 Q. What this says is that there are</p> <p>8 surpluses in nearly every agency and</p> <p>9 department that is funded by the</p> <p>10 General Fund, not in just two, right?</p> <p>11 A. That does not mean that some of</p> <p>12 these agencies didn't get additional funding</p> <p>13 throughout the year, and they did. So</p> <p>14 they're ending -- remember, this is written</p> <p>15 in October. And they're ending the year now</p> <p>16 under budget.</p> <p>17 To be clear, every agency has to</p> <p>18 end the year with a surplus or I would be</p> <p>19 breaking the law if I allow them to spend</p> <p>20 money without appropriation. So you will</p> <p>21 never find a report that says that these</p> <p>22 agencies didn't end with a surplus.</p> <p>23 Q. Their actual expenditures will</p> <p>24 either be the same as what was budgeted or</p> <p>25 less than what was budgeted; is that what</p>	<p style="text-align: right;">Page 360</p> <p>1 Q. Okay. And do you know him?</p> <p>2 A. I've seen him in meetings. I</p> <p>3 don't think he would know me. I know who he</p> <p>4 is. My sister worked for him.</p> <p>5 (Email, Bates CUYAH_001757582,</p> <p>6 marked as Deposition Exhibit 7.)</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. I've marked this document as</p> <p>9 Exhibit 7. It's 1757582, and it's an email</p> <p>10 from December 15th, 2016, again, from</p> <p>11 Ms. Wendy Feinn to you, subject: "Opioid</p> <p>12 state of emergency."</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. It indicates that Mr. Brickner --</p> <p>16 who I think you said is the budget officer</p> <p>17 for ADAMHS; is that right?</p> <p>18 A. That's correct.</p> <p>19 Q. He had said that "Bill Denihan's</p> <p>20 goal in declaring the states of emergency is</p> <p>21 to become eligible for more state and federal</p> <p>22 funds to combat it."</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. In other words, Mr. Denihan was</p>
<p style="text-align: right;">Page 359</p> <p>1 you're saying?</p> <p>2 A. That's correct. They will never</p> <p>3 be the same. They will never be exactly the</p> <p>4 same.</p> <p>5 Q. So then they will always be</p> <p>6 under?</p> <p>7 A. That is correct. We have to</p> <p>8 ensure that our expenses are covered.</p> <p>9 Q. So the amount of actual</p> <p>10 expenditures by any department, division, or</p> <p>11 program within Cuyahoga County will always be</p> <p>12 less than the amount that's actually budgeted</p> <p>13 for that department, division, or program; is</p> <p>14 that correct?</p> <p>15 A. That's correct, unless there's</p> <p>16 some payment that we're making that's like</p> <p>17 contractual and we know it's only going to be</p> <p>18 a hundred thousand. But for departments,</p> <p>19 this is always based on projections.</p> <p>20 Q. Do you recall a time when -- let</p> <p>21 me back up and ask first if you know who Bill</p> <p>22 Denihan is.</p> <p>23 A. Bill Denihan was the former CEO</p> <p>24 of the Mental Health Board and then the</p> <p>25 ADAMHS Board.</p>	<p style="text-align: right;">Page 361</p> <p>1 hoping that by declaring a public health</p> <p>2 emergency in connection with opioid abuse,</p> <p>3 that would generate more funding from the</p> <p>4 state and federal government, right?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Is that how you understand this?</p> <p>8 MR. BADALA: Same objection.</p> <p>9 THE WITNESS: I can only read</p> <p>10 what's written. I can't speak to what</p> <p>11 his motivation or intent was.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. I'm not asking you about his</p> <p>14 motivation and intent. I'm asking how you</p> <p>15 understand the words on the page.</p> <p>16 MR. BADALA: Objection. That</p> <p>17 wasn't the question.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. Do you want me to start over?</p> <p>20 A. Okay.</p> <p>21 Q. Isn't it true that, as you</p> <p>22 interpret this email, that Mr. Denihan was</p> <p>23 declaring a public health emergency in</p> <p>24 connection with opiate abuse in hopes that it</p> <p>25 would make the county eligible for more state</p>

<p style="text-align: right;">Page 362</p> <p>1 and federal funds?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: That is what's</p> <p>4 written, yes. It would make the county</p> <p>5 eligible.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. Is this time frame, this is</p> <p>8 December 2016, is this when Cuyahoga County</p> <p>9 first started experiencing the noticeable</p> <p>10 impact of opioid abuse in the county?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 Are you asking her personal? You said</p> <p>13 the county. She's not here as a</p> <p>14 30(b)(6) today.</p> <p>15 MR. BOEHM: I said "in the</p> <p>16 county."</p> <p>17 MR. BADALA: Is when the county,</p> <p>18 not in the county. Is when the county</p> <p>19 first --</p> <p>20 MR. BOEHM: Yeah. I'm asking her</p> <p>21 her understanding of that.</p> <p>22 MR. BADALA: Not as a 30(b)(6) --</p> <p>23 obviously, she's not a 30(b)(6).</p> <p>24 MR. BOEHM: Obviously, yeah.</p> <p>25 Right.</p>	<p style="text-align: right;">Page 364</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. When, in your view, did Cuyahoga</p> <p>3 County first begin to experience a financial</p> <p>4 impact related to opiate abuse and misuse?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I can't recall a</p> <p>7 specific time.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. Okay.</p> <p>10 Well, you're the director of the</p> <p>11 Office of Budget Management, right?</p> <p>12 A. I am.</p> <p>13 Q. And you indicated first thing</p> <p>14 this morning that one of the things that you</p> <p>15 thought was important to do in order to be</p> <p>16 able to do your job well was to look back and</p> <p>17 try and understand the financial and economic</p> <p>18 stressors and conditions that the county has</p> <p>19 faced and how that has impacted county</p> <p>20 finances.</p> <p>21 Do you remember giving that</p> <p>22 testimony earlier today?</p> <p>23 A. I do.</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 Misstates testimony.</p>
<p style="text-align: right;">Page 363</p> <p>1 MR. BADALA: You were just saying</p> <p>2 --</p> <p>3 MR. BOEHM: Let me ask the</p> <p>4 question. If you want to object to</p> <p>5 form, go for it.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. This email was written in</p> <p>8 December 2016, right?</p> <p>9 A. That's correct.</p> <p>10 Q. Is December 2016 when Cuyahoga</p> <p>11 County first started experiencing a</p> <p>12 noticeable impact of opioid abuse in the</p> <p>13 county?</p> <p>14 MR. BADALA: Same objection.</p> <p>15 Seeking 30(b)(6) testimony.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Go ahead.</p> <p>18 A. No.</p> <p>19 Q. When, in your view, did opioid</p> <p>20 abuse first become a public health crisis in</p> <p>21 Cuyahoga County?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: I'm not qualified</p> <p>24 to answer that, when it's a public</p> <p>25 health crisis.</p>	<p style="text-align: right;">Page 365</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. And my question is, based on your</p> <p>3 effort to try and understand the financial</p> <p>4 stressors and financial impact on the county</p> <p>5 as the director of the Office of Budget</p> <p>6 Management, what is your understanding about</p> <p>7 when opioid abuse and misuse began to have a</p> <p>8 financial impact on Cuyahoga County?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: I cannot answer</p> <p>11 that.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. Why not?</p> <p>14 A. Because I can't identify a</p> <p>15 specific date. And I'm not going to guess.</p> <p>16 Q. Well, generally speaking.</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I'm not going to</p> <p>19 guess.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. Was it after 2012?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. -- or before 2012?</p> <p>25 MR. BADALA: Same objection.</p>

<p style="text-align: right;">Page 366</p> <p>1 THE WITNESS: I'm not going to</p> <p>2 guess.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. I'm not asking you to guess.</p> <p>5 MR. BADALA: You are.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. You are the director of the</p> <p>8 Office of Budget Management. You've been</p> <p>9 designated -- you're not here today in a</p> <p>10 30(b)(6) capacity, but you have been</p> <p>11 designated as a person who will speak for the</p> <p>12 county on issues of damages.</p> <p>13 Right now, today, I'm asking</p> <p>14 you, in your personal capacity as the</p> <p>15 director of the office for Cuyahoga County</p> <p>16 responsible for budgeting and responsible</p> <p>17 for understanding the financial impacts, the</p> <p>18 stressors, and all the things we've been</p> <p>19 talking about today, when it is that you</p> <p>20 believe the county first began to experience</p> <p>21 a financial impact related to opioid abuse</p> <p>22 and misuse?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 Asked and answered. Vague. Mr. Boehm's</p> <p>25 testimony --</p>	<p style="text-align: right;">Page 368</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. So just to make sure we've got</p> <p>3 this perfectly clear, you, director of the</p> <p>4 Cuyahoga County Office of Budget Management,</p> <p>5 cannot, do not, or will not pinpoint even a</p> <p>6 year when you believe the county first began</p> <p>7 to experience a financial impact due to</p> <p>8 opiate abuse or misuse in the county.</p> <p>9 Do I have that right?</p> <p>10 MR. BADALA: Objection to form.</p> <p>11 THE WITNESS: You have that</p> <p>12 right.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Did the county experience any</p> <p>15 financial impact related to the use or abuse</p> <p>16 of opiates in the year 2006?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I can't answer that</p> <p>19 question.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. Why not?</p> <p>22 A. Because I'm not going to identify</p> <p>23 a date when the opiate epidemic was reflected</p> <p>24 in the financials.</p> <p>25 Q. Is it because you don't know if</p>
<p style="text-align: right;">Page 367</p> <p>1 THE WITNESS: I cannot answer</p> <p>2 that question.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. Why can you not answer that</p> <p>5 question?</p> <p>6 MR. BADALA: Objection. Asked</p> <p>7 and answered.</p> <p>8 THE WITNESS: As I've stated, I</p> <p>9 cannot pinpoint a specific date and I am</p> <p>10 not going to guess.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Can you pinpoint a year?</p> <p>13 A. I am not going to guess, and I'm</p> <p>14 not going to --</p> <p>15 Q. Nobody here is asking you to</p> <p>16 guess.</p> <p>17 A. You're asking me to approximate,</p> <p>18 which I will not do.</p> <p>19 Q. Can you pinpoint a year?</p> <p>20 MR. BADALA: Objection to form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Can you pinpoint a decade?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 369</p> <p>1 there was a financial impact in 2006?</p> <p>2 MR. BADALA: Objection to form.</p> <p>3 THE WITNESS: I'm not prepared to</p> <p>4 answer that question.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Is it because you don't know, or</p> <p>7 is there some other reason why you're not</p> <p>8 prepared to answer that question?</p> <p>9 A. I don't know.</p> <p>10 Q. Did the county experience any</p> <p>11 impact related to the use or abuse of opiates</p> <p>12 in 2007?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: I don't know.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. 2008?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I don't know.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. 2009?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: I don't know.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. 2010?</p> <p>25 MR. BADALA: Objection to form.</p>

<p style="text-align: right;">Page 370</p> <p>1 THE WITNESS: I don't know.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. 2011?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 BY MR. BOEHM:</p> <p>7 Q. 2012?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. 2013?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. 2014?</p> <p>16 A. I don't know.</p> <p>17 Q. 2015?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. So 2015 is the first year when</p> <p>22 you're comfortable saying that Cuyahoga</p> <p>23 County experienced specific financial impacts</p> <p>24 related to the use and abuse of opiates.</p> <p>25 Fair?</p>	<p style="text-align: right;">Page 372</p> <p>1 That's all I can recall, but I'm</p> <p>2 certain that's not an exhaustive list.</p> <p>3 (Email chain, Bates</p> <p>4 CUYAH_001764847 through</p> <p>5 CUYAH_001764848, marked as</p> <p>6 Deposition Exhibit 8.)</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Okay.</p> <p>9 I've now put in front of you a</p> <p>10 document marked as Exhibit 8 for purposes of</p> <p>11 your deposition. It's an email exchange</p> <p>12 that goes back to August 2017, and this is</p> <p>13 further to the discussion about the ADAMHS</p> <p>14 Board.</p> <p>15 We've already established that</p> <p>16 Frank Brickner works for the ADAMHS board,</p> <p>17 right?</p> <p>18 A. He did at the time, yes.</p> <p>19 Q. Does he no longer work there?</p> <p>20 A. He does not.</p> <p>21 Q. Who it is the new financial</p> <p>22 officer for the ADAMHS Board?</p> <p>23 A. I don't know that.</p> <p>24 Q. And there's some discussion here</p> <p>25 about the cost of beds related to the ADAMHS</p>
<p style="text-align: right;">Page 371</p> <p>1 MR. BADALA: Objection to form.</p> <p>2 THE WITNESS: That's correct.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. With respect to the impact that</p> <p>5 you say existed in 2015, can you identify</p> <p>6 what specifically that impact was on the</p> <p>7 county in 2015?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: In 2015, the ADAMHS</p> <p>10 board was asking for additional funding</p> <p>11 in its budget. We gave 39 million.</p> <p>12 They wanted more.</p> <p>13 In 2015, Children and Family</p> <p>14 Services, the number of children in</p> <p>15 placement was increasing.</p> <p>16 In 2015, the number of abuse,</p> <p>17 dependency, and neglect cases in</p> <p>18 juvenile court was increasing.</p> <p>19 In 2015 -- in 2015 or 2016, we</p> <p>20 were seeing an increase in filings in</p> <p>21 Common Pleas Court; increase in</p> <p>22 autopsies at the Medical Examiner's</p> <p>23 office.</p> <p>24 That's all I'm going to think of</p> <p>25 right now off the top of my head.</p>	<p style="text-align: right;">Page 373</p> <p>1 Board.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. It has detoxification,</p> <p>5 residential treatment, recovery/sober beds,</p> <p>6 and it appears that there was a request for</p> <p>7 the ADAMHS Board to provide information about</p> <p>8 how much it costs per bed per day.</p> <p>9 Do I understand that correctly?</p> <p>10 A. The request was for services</p> <p>11 offered for the opiate crisis. What is the</p> <p>12 average daily cost for a bed and treatment at</p> <p>13 one of the facilities.</p> <p>14 Q. If you go up to the email on</p> <p>15 August 18th at 2:43 p.m. from Gregory Beyer,</p> <p>16 he says he crunched some numbers and added</p> <p>17 those below in red.</p> <p>18 Unfortunately, this was produced</p> <p>19 to us in black and white, so we have to kind</p> <p>20 of surmise what he's added. Are you able to</p> <p>21 help us out with that? Has he added the</p> <p>22 calculations about -- after the equal signs,</p> <p>23 or do you know?</p> <p>24 A. I don't know.</p> <p>25 Q. And then you write back and you</p>

<p style="text-align: right;">Page 374</p> <p>1 say:</p> <p>2 "I know our systems were</p> <p>3 outdated. And I think upgrading</p> <p>4 could improve transparency. I just</p> <p>5 wonder if we should have settled for</p> <p>6 a Kia so we could pay some medical</p> <p>7 bills."</p> <p>8 What did you mean by that?</p> <p>9 A. I don't recall.</p> <p>10 Q. Well, you say in the next</p> <p>11 sentence, "Not knocking the Kias."</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. So you seem to be suggesting that</p> <p>15 the county settled for something -- some kind</p> <p>16 of inferior product, all respect to Kias, in</p> <p>17 order to pay some medical bills.</p> <p>18 Is that how you understand it?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: As I said, I don't</p> <p>21 recall what I meant by this.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. And seeing it here in context</p> <p>24 doesn't help you interpret it?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 376</p> <p>1 payment.</p> <p>2 Q. You have to pay back the interest</p> <p>3 on that too, right?</p> <p>4 A. You do indeed.</p> <p>5 Q. Is Cuyahoga County presently in a</p> <p>6 condition where it could issue public debt if</p> <p>7 it wanted to?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: Absolutely.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. Notwithstanding the tens of</p> <p>12 millions of dollars it pays in debt service</p> <p>13 each year?</p> <p>14 A. You're asking "could." We could</p> <p>15 issue debt. That would obviously require</p> <p>16 cutting something to make room in the budget</p> <p>17 for the annual debt service, but we have the</p> <p>18 legal capacity to issue debt.</p> <p>19 Q. Is the county presently upgrading</p> <p>20 its IT systems?</p> <p>21 A. We are.</p> <p>22 Q. How much is that costing?</p> <p>23 A. That project, most recent</p> <p>24 estimates were that that's going to cost</p> <p>25 about 23, \$24 million.</p>
<p style="text-align: right;">Page 375</p> <p>1 Q. Mr. Beyer has this reference to</p> <p>2 \$25 million, right?</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know where he's coming up</p> <p>6 with that \$25 million figure?</p> <p>7 A. I do not. He doesn't include it</p> <p>8 in here.</p> <p>9 Q. How much does Cuyahoga County pay</p> <p>10 in debt service each year?</p> <p>11 A. That fluctuates because a lot of</p> <p>12 our debt is paid for by other sources. The</p> <p>13 county's obligation toward debt service is</p> <p>14 about a little less than a hundred million a</p> <p>15 year, but not all of that comes from the</p> <p>16 county.</p> <p>17 From the county's all-funds</p> <p>18 budget specifically, it would be somewhere</p> <p>19 around 70 million. 60, 70.</p> <p>20 Q. What does "debt service" mean,</p> <p>21 for people who may not be familiar with why</p> <p>22 you'd have a debt service fund?</p> <p>23 A. Debt service is repayment on</p> <p>24 bonds issued, bonds or loans. So debt</p> <p>25 service is akin to your mortgage payment, car</p>	<p style="text-align: right;">Page 377</p> <p>1 Q. Is that going to come out of the</p> <p>2 2018 budget?</p> <p>3 A. No. We started paying for that</p> <p>4 in, I believe, late 2015. It should be paid</p> <p>5 in full by 2019 for the -- I'm sorry -- for</p> <p>6 the implementation costs. There will be</p> <p>7 ongoing maintenance forever.</p> <p>8 Q. Do you have a view as to whether</p> <p>9 or not the upgrading of IT systems is an</p> <p>10 appropriate use of county funds at this time?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: I do believe it's</p> <p>13 an appropriate use of county funds. Our</p> <p>14 current systems are siloed. Some of</p> <p>15 them interface with each other; some do</p> <p>16 not.</p> <p>17 The FAMIS system is a DOS system</p> <p>18 that you can't even use a mouse. It's</p> <p>19 the old florescent green. BRASS is</p> <p>20 from probably 2000, if not 1999.</p> <p>21 And all of the systems have</p> <p>22 limitations in terms of reporting,</p> <p>23 retrieving data, storing data, and</p> <p>24 particularly my system, BRASS, it's not</p> <p>25 maintained anymore, so it is slowly</p>

<p style="text-align: right;">Page 378</p> <p>1 dying.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. So you think it's an appropriate</p> <p>4 and good use of funds?</p> <p>5 A. Yes, I do.</p> <p>6 (Email, Bates CUYAH_001739956,</p> <p>7 marked as Deposition Exhibit 9.)</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. I've just put in front of you a</p> <p>10 document we've marked as Exhibit 9 for</p> <p>11 purposes of your deposition. This is an</p> <p>12 email from you to Mr. Dennis Kennedy from May</p> <p>13 2018.</p> <p>14 Do you see that?</p> <p>15 A. That's correct.</p> <p>16 Q. And Mr. Kennedy is your boss. We</p> <p>17 established that earlier, right?</p> <p>18 A. He is.</p> <p>19 Q. And it has a link to the news</p> <p>20 report from, it looks like, the local FOX</p> <p>21 News channel, right?</p> <p>22 A. Yes.</p> <p>23 Q. And the link suggests that it has</p> <p>24 something to do with giving out Fentanyl test</p> <p>25 strips to users, right?</p>	<p style="text-align: right;">Page 380</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. What is your understanding about</p> <p>3 what these test strips do?</p> <p>4 A. I would have to look at the</p> <p>5 article again. This was several months ago.</p> <p>6 Q. It's testing for Fentanyl, right?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I would have to</p> <p>9 look at the article again.</p> <p>10 BY MR. BOEHM:</p> <p>11 Q. "Clinic giving out Fentanyl test</p> <p>12 strips to users."</p> <p>13 Do you see that?</p> <p>14 A. I do, but I will not assume that</p> <p>15 that's testing for Fentanyl.</p> <p>16 Q. Okay. What's your understanding?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I said, I would</p> <p>19 have to look at the article again. I</p> <p>20 have no understanding of what this is.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. But you know what somebody else</p> <p>23 meant when they said "depleted," right?</p> <p>24 A. That's correct.</p> <p>25 Q. And you said that "You're paying</p>
<p style="text-align: right;">Page 379</p> <p>1 A. That's correct.</p> <p>2 Q. And you just have two sentences</p> <p>3 below the link. You write, "We fund ADAMHS,"</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. And we talked about that earlier,</p> <p>7 about \$39 million, right?</p> <p>8 A. That's correct.</p> <p>9 Q. And then you write:</p> <p>10 "So we're paying to make sure</p> <p>11 people get good, clean heroin?"</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. And I read it correctly?</p> <p>15 A. Yes.</p> <p>16 Q. What were you trying to</p> <p>17 communicate to your boss, Mr. Kennedy, when</p> <p>18 you wrote this email?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: My priority</p> <p>21 personally is treatment services for</p> <p>22 people who are addicted to prescription</p> <p>23 opiates, Fentanyl, carfentanil, and</p> <p>24 heroin. I would rather see funding go</p> <p>25 toward treatment than the test strips.</p>	<p style="text-align: right;">Page 381</p> <p>1 to make sure people get good, clean heroin."</p> <p>2 Right?</p> <p>3 A. That's correct.</p> <p>4 Q. And you objected to that?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I did not object to</p> <p>7 it. Like I said, I like to see money go</p> <p>8 to treatment. But I made no</p> <p>9 recommendation on ADAMHS's budget other</p> <p>10 than to say that they need additional</p> <p>11 funding.</p> <p>12 BY MR. BOEHM:</p> <p>13 Q. Well, you say:</p> <p>14 "We fund ADAMHS. So we're paying</p> <p>15 to make sure people get good, clean</p> <p>16 heroin?"</p> <p>17 That's sarcastic, right?</p> <p>18 MR. BADALA: Objection to form.</p> <p>19 Argumentative.</p> <p>20 THE WITNESS: I don't know. I</p> <p>21 don't remember reading this article. I</p> <p>22 assume it is sarcastic, yes.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. You don't think it was a good use</p> <p>25 of funds by ADAMHS, some of which comes from</p>

<p style="text-align: right;">Page 382</p> <p>1 the HHS levy, to pay for addicts to opiates</p> <p>2 who want to test their product to make sure</p> <p>3 it doesn't have Fentanyl, right?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: I don't know that</p> <p>6 this is testing to make sure that there</p> <p>7 is no Fentanyl.</p> <p>8 BY MR. BOEHM:</p> <p>9 Q. Okay.</p> <p>10 Do you know what Fentanyl is?</p> <p>11 A. I do not know the chemical makeup</p> <p>12 of Fentanyl.</p> <p>13 Q. Do you know if the Fentanyl that</p> <p>14 gets used and gets cut into opiates is</p> <p>15 Fentanyl that's prescribed by a doctor or</p> <p>16 Fentanyl that comes through illegal channels?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I don't know. I'm</p> <p>19 not a doctor.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. Do you know to what extent the</p> <p>22 increase in overdose deaths in Cuyahoga</p> <p>23 County are related to Fentanyl specifically?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: That's a question</p>	<p style="text-align: right;">Page 384</p> <p>1 you have asked that question, you have asked</p> <p>2 what accounts for the uptick in overdose</p> <p>3 deaths. And I'm asking you, who did you ask?</p> <p>4 A. I have asked the</p> <p>5 Medical Examiner's office. And I do not</p> <p>6 recall the answer that came back.</p> <p>7 Q. Did you ask the</p> <p>8 Medical Examiner's office to what extent</p> <p>9 their request for additional funding was</p> <p>10 related specifically to Fentanyl?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: I would have no</p> <p>13 reason to ask that.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. Why not?</p> <p>16 A. Because this county is suffering</p> <p>17 from an opiate epidemic that includes</p> <p>18 prescription opiates, Fentanyl, carfentanil,</p> <p>19 and heroin.</p> <p>20 Q. And you don't see any reason at</p> <p>21 all to try and understand the differences</p> <p>22 between those different opiates, how they're</p> <p>23 used, how they're obtained, and why they're</p> <p>24 dangerous?</p> <p>25 MR. BADALA: Objection to form.</p>
<p style="text-align: right;">Page 383</p> <p>1 for the medical examiner. I don't know.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. Whether it's a question for</p> <p>4 somebody else, we'll all sort out. I'm</p> <p>5 asking you if you know.</p> <p>6 A. And I said that I don't.</p> <p>7 Q. You do not know.</p> <p>8 Have you ever asked anybody what</p> <p>9 accounts for the uptick in overdose deaths</p> <p>10 related to opiates here in Cuyahoga County?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: I have asked.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Has anybody ever said, "Actually,</p> <p>15 it's Fentanyl"?</p> <p>16 A. I can't recall. I don't know the</p> <p>17 answer to that.</p> <p>18 Q. What have people said to you when</p> <p>19 you've asked the question?</p> <p>20 A. I can't recall.</p> <p>21 Q. Who have you asked?</p> <p>22 A. I cannot recall every person that</p> <p>23 I've talked to about opiates or opiate</p> <p>24 deaths.</p> <p>25 Q. Can you recall anybody? You said</p>	<p style="text-align: right;">Page 385</p> <p>1 THE WITNESS: In my capacity as</p> <p>2 the director of the Office of Budget</p> <p>3 Management, I'm solely focused on</p> <p>4 funding the agencies to ensure that they</p> <p>5 comply with their legal and moral</p> <p>6 mandates.</p> <p>7 I'm sure I would love to know</p> <p>8 the answers to all of your questions,</p> <p>9 but we're in a crisis. We've been in a</p> <p>10 crisis. I have 60 agencies calling me</p> <p>11 daily saying they're in a crisis due</p> <p>12 specifically to the opiate epidemic,</p> <p>13 prescription opiates, Fentanyl,</p> <p>14 carfentanil, and heroin.</p> <p>15 I appreciate everything that's</p> <p>16 happening here, but in my capacity as</p> <p>17 the director, I don't care which is</p> <p>18 which. My only concern is making sure</p> <p>19 that the bodies that are in the</p> <p>20 medical examiner get autopsied and</p> <p>21 returned to their loved ones; that the</p> <p>22 children we take from Children and</p> <p>23 Family Services are safe in the foster</p> <p>24 homes. I don't care about the</p> <p>25 distinction.</p>

<p style="text-align: right;">Page 386</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Okay.</p> <p>3 And you've not undertaken in any</p> <p>4 way to try to understand how those</p> <p>5 distinctions might have impacted the</p> <p>6 specific expenditures that Cuyahoga County</p> <p>7 has made; is that true?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: As it relates to my</p> <p>10 job, that distinction is not important.</p> <p>11 I work 60 hours a week just trying to</p> <p>12 stay ahead of all these agencies' needs.</p> <p>13 Had I the time to focus more on this,</p> <p>14 that would be wonderful, but I don't</p> <p>15 have the time.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. I think you said a minute ago</p> <p>18 that you have 60 agencies who call you daily.</p> <p>19 I assume you are exaggerating, but I'm going</p> <p>20 to give you an opportunity to clarify whether</p> <p>21 that's, in fact, what you meant when you said</p> <p>22 that?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: I am exaggerating,</p> <p>25 but we have agencies that call either me</p>	<p style="text-align: right;">Page 388</p> <p>1 seen as long as I've been here. I am trying</p> <p>2 to stay on top of that.</p> <p>3 MR. BOEHM: Okay. Let's go off</p> <p>4 the record.</p> <p>5 THE VIDEOGRAPHER: Off the</p> <p>6 record, 5:09.</p> <p>7 (Recess taken from 5:09 p.m. to</p> <p>8 5:21 p.m.)</p> <p>9 THE VIDEOGRAPHER: On the record</p> <p>10 at 5:21.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Ms. Keenan, do you know what</p> <p>13 Narcan is?</p> <p>14 A. No.</p> <p>15 Q. You hesitated.</p> <p>16 A. I believe it's medication given</p> <p>17 to combat an overdose.</p> <p>18 Q. Do you have an opinion about</p> <p>19 whether or not Narcan should be provided to</p> <p>20 people with an opiate substance abuse</p> <p>21 disorder?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: I'm not qualified</p> <p>24 to make an opinion on that.</p> <p>25</p>
<p style="text-align: right;">Page 387</p> <p>1 or my analysts daily.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. And you're not suggesting that</p> <p>4 you have agencies who call you every day to</p> <p>5 ask you questions specifically related to</p> <p>6 opiates, are you?</p> <p>7 MR. BADALA: Objection to form.</p> <p>8 THE WITNESS: I did not say that.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. Your point, really, is you have a</p> <p>11 big job. It's a lot of agencies, departments</p> <p>12 and divisions and programs you have got to</p> <p>13 keep your eye on, right? You don't have time</p> <p>14 maybe to know all the details; is that your</p> <p>15 point?</p> <p>16 MR. BADALA: Objection to form.</p> <p>17 Misstates her testimony.</p> <p>18 BY MR. BOEHM:</p> <p>19 Q. That's why I'm asking. Was that</p> <p>20 your point?</p> <p>21 A. My point was that I have a big</p> <p>22 job. I am trying to manage these agencies so</p> <p>23 that we can perform our legal and moral</p> <p>24 mandates, and we are in the midst of a crisis</p> <p>25 in this county, the likes of which I've never</p>	<p style="text-align: right;">Page 389</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Do you know whether</p> <p>3 Cuyahoga County has experienced increased</p> <p>4 costs of foster care due to the opiate</p> <p>5 epidemic?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: I don't believe</p> <p>8 that our foster care costs have</p> <p>9 increased, largely because we're relying</p> <p>10 on kinship placements.</p> <p>11 But the number of children in</p> <p>12 out-of-home placement has increased</p> <p>13 quite dramatically that if we weren't</p> <p>14 dealing with the opiate issue, we would</p> <p>15 have money that we could spend on</p> <p>16 something else.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. Okay.</p> <p>19 But the cost of foster care in</p> <p>20 Cuyahoga County has not increased due to the</p> <p>21 opiate epidemic; is that true?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: The cost,</p> <p>24 specifically, of foster care has</p> <p>25 remained relatively flat. That's</p>

<p style="text-align: right;">Page 390</p> <p>1 correct.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. I've marked a document as</p> <p>4 Exhibit 10 that reflects that. I'll just</p> <p>5 keep it on the record and we'll keep going.</p> <p>6 This is, for the record,</p> <p>7 1738714.</p> <p>8 (Email, March 1, 2018, Bates</p> <p>9 CUYAH_001738714, marked as</p> <p>10 Deposition Exhibit 10.)</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. Actually, I do have one question</p> <p>13 for you. In this email change on March 1,</p> <p>14 2018, you answer this question by saying,</p> <p>15 "No, we haven't seen an increase."</p> <p>16 And, by that, you meant an</p> <p>17 increase of costs of foster care due to the</p> <p>18 opiate epidemic, right?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: That's correct.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. And then you say, in the next</p> <p>23 sentence, "Based on drug test results, it's</p> <p>24 not necessarily attributed to opiates," in</p> <p>25 reference to out-of-home placements?</p>	<p style="text-align: right;">Page 392</p> <p>1 conversations, that there was a</p> <p>2 miscommunication between Mr. Parfejewiec and</p> <p>3 me.</p> <p>4 Mr. Parfejewiec is now the</p> <p>5 director of Health and Human Services. At</p> <p>6 the time that he told me about the drug</p> <p>7 tests, he was newly interim director, but</p> <p>8 his job is in Job and Family Services. And</p> <p>9 I believe he may have been talking about</p> <p>10 drug test results of our clients in Job and</p> <p>11 Family Services.</p> <p>12 That's the only thing I can</p> <p>13 think of because, as I said, Cindy</p> <p>14 Weiskittle later said, "No, no, this is not</p> <p>15 true." And she is the expert, as it relates</p> <p>16 to Children and Family Services.</p> <p>17 Q. Well, I guess it's convenient</p> <p>18 because you, on that same day, forwarded your</p> <p>19 email to Mr. Parfejewiec, right?</p> <p>20 A. Parfejewiec, but, yes.</p> <p>21 Q. Parfejewiec, I'm so sorry.</p> <p>22 A. That's okay.</p> <p>23 Q. Parfejewiec. Boy, I never would</p> <p>24 have guessed that pronunciation in a million</p> <p>25 years.</p>
<p style="text-align: right;">Page 391</p> <p>1 A. That is correct. That was based</p> <p>2 on information that was told to me, which was</p> <p>3 later refuted by the director of DCFS.</p> <p>4 Q. Who told you that?</p> <p>5 A. Walter Parfejewiec.</p> <p>6 Q. Who later refuted it?</p> <p>7 A. Cindy Weiskittle.</p> <p>8 Q. Is that reflected in an email?</p> <p>9 A. I can't say. I don't know.</p> <p>10 Q. Did Ms. Weiskittle email you when</p> <p>11 she refuted that --</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. -- or did she talk to you in a</p> <p>15 hallway?</p> <p>16 A. I can't say.</p> <p>17 Q. Did you ever go back to</p> <p>18 Mr. Parfejewiec to say, "Hey, Ms. Weiskittle</p> <p>19 said you were wrong"?</p> <p>20 A. I did. I talk to Mr. Parfejewiec</p> <p>21 quite frequently.</p> <p>22 Q. What had Mr. Parfejewiec said to</p> <p>23 you that you are reporting in this March 1,</p> <p>24 2018, email, based on the drug test results?</p> <p>25 A. So I believe, based on subsequent</p>	<p style="text-align: right;">Page 393</p> <p>1 A. Nobody would.</p> <p>2 Q. You forwarded your email to</p> <p>3 Mr. Parfejewiec and wrote, "FYI," right?</p> <p>4 A. Yes. I always will notify an</p> <p>5 agency if I'm communicating something that</p> <p>6 has to do with them.</p> <p>7 Q. And he never wrote back?</p> <p>8 A. I can't say that.</p> <p>9 Q. Do you recall him writing back?</p> <p>10 A. No.</p> <p>11 Q. Did he write you back and say,</p> <p>12 "No. Sorry, Ms. Keenan, you have</p> <p>13 misunderstood what I said to you"?</p> <p>14 A. I can't recall.</p> <p>15 MR. BADALA: I'm going to mark</p> <p>16 the next document as Exhibit 11.</p> <p>17 (Email chain, Bates</p> <p>18 CUYAH_001764146 through</p> <p>19 CUYAH_001764148, marked as</p> <p>20 Deposition Exhibit 11.)</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. And this is an April 2018 email</p> <p>23 exchange between you and the now well-known</p> <p>24 Mr. Par -- say it again?</p> <p>25 A. Parfejewiec.</p>

<p style="text-align: right;">Page 394</p> <p>1 Q. Parfejewiec.</p> <p>2 MR. BADALA: Call him Walter P.</p> <p>3 THE VIDEOGRAPHER: We all call</p> <p>4 him Walter P.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. Walter P, okay.</p> <p>7 It says here at the beginning of</p> <p>8 this exchange, or I guess at the end, this</p> <p>9 is an email you write on April 11, 2018.</p> <p>10 And you say:</p> <p>11 "My immediate concern, aside from</p> <p>12 first quarter, is that Armond is</p> <p>13 going to say something in his speech</p> <p>14 about the numbers going up because of</p> <p>15 opiates, and I don't think that's</p> <p>16 what the data show. Are you going to</p> <p>17 talk about this?"</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. What exactly were you concerned</p> <p>21 about?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: So if -- I need to</p> <p>24 read the entire string, if you give me a</p> <p>25 minute.</p>	<p style="text-align: right;">Page 396</p> <p>1 that numbers related to the Department of</p> <p>2 Children and Family Services were going up,</p> <p>3 and you didn't think that was true?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: I was worried that</p> <p>6 what Armond was going to communicate was</p> <p>7 different from what Walter had</p> <p>8 communicated to me.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. What numbers are you referring to</p> <p>11 here when you say that he's going to say in</p> <p>12 his speech that the numbers are going up</p> <p>13 because of opiates? Numbers of what?</p> <p>14 A. That's the number of children in</p> <p>15 out-of-home care.</p> <p>16 But I think that Walter -- I</p> <p>17 mean, with all due respect to him, like I</p> <p>18 said, he was in JFS his -- almost his entire</p> <p>19 career. He was relatively new to DCFS.</p> <p>20 So I am in no way criticizing</p> <p>21 him, but if you look down through the email</p> <p>22 thread, Walter says that the HHS budget was</p> <p>23 reduced by 7 million. They reduced</p> <p>24 overtime. There's nothing to report.</p> <p>25 To which I reply back, their</p>
<p style="text-align: right;">Page 395</p> <p>1 (Reviewing document.)</p> <p>2 So as I mentioned before, Walter</p> <p>3 is the one who had initially told me in</p> <p>4 a conversation that the drug tests --</p> <p>5 many of them are coming out negative.</p> <p>6 I interpreted that -- we were</p> <p>7 having a conversation about DCFS at the</p> <p>8 time, so I thought that's what he was</p> <p>9 referring to.</p> <p>10 So as I mentioned here -- my</p> <p>11 concern always is I don't want the</p> <p>12 county executive saying something that</p> <p>13 if, when pressed for additional</p> <p>14 details, or if somebody were to call</p> <p>15 the agency directly and say, "Hey, this</p> <p>16 is what he said," I don't ever want the</p> <p>17 county in a position where it's giving</p> <p>18 out conflicting information.</p> <p>19 So I asked Walter if he was</p> <p>20 going to clarify it, because he's the</p> <p>21 one who told me originally that the</p> <p>22 tests were coming out negative.</p> <p>23 BY MR. BOEHM:</p> <p>24 Q. Were you worried that</p> <p>25 Armond Budish was going to say in a speech</p>	<p style="text-align: right;">Page 397</p> <p>1 overtime earnings were up every pay period</p> <p>2 of the year over last pay period. I</p> <p>3 consider that something material to report.</p> <p>4 I don't think he was as familiar</p> <p>5 with DCFS's financial activity as perhaps he</p> <p>6 is now.</p> <p>7 Q. Okay.</p> <p>8 But that's really speculation on</p> <p>9 your part, right?</p> <p>10 You've been pretty unwilling to</p> <p>11 speculate on certain things, and in this</p> <p>12 case --</p> <p>13 A. I'm not speculating. In the</p> <p>14 email exchange, he's clearly incorrect. He's</p> <p>15 saying overtime is down. And I have the</p> <p>16 data; overtime was up.</p> <p>17 Q. If you look down in the email</p> <p>18 exchange a little bit, you have an email from</p> <p>19 Mr. Parfejewiec from April 11, where he says:</p> <p>20 "The DCFS increase you reference</p> <p>21 is due to the recent fatality."</p> <p>22 Do you know what he's talking</p> <p>23 about there?</p> <p>24 A. I do, and I disagree with it.</p> <p>25 Q. What is he talking about?</p>

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1 A. We had a child die in custody.
 2 When that happens, sometimes the workers are
 3 more cautious about either sending children
 4 home or bringing children in, depending on
 5 where the child died.
 6 Q. But it was his view that the DCFS
 7 increase was due to the recent fatality?
 8 A. He would be incorrect though.
 9 The numbers had been increasing steadily
 10 every year for years, and the fatality was in
 11 2018.
 12 Q. I understand you may disagree
 13 with Mr. Parfejewiec, but that's what he was
 14 saying, right?
 15 MR. BADALA: Objection to form.
 16 THE WITNESS: That is what he is
 17 saying.
 18 BY MR. BOEHM:
 19 Q. And you never in this email
 20 exchange say that you disagree with him,
 21 right?
 22 A. I do.
 23 So if you switch to the next
 24 page, I'm saying, "Placement numbers
 25 increased 30 percent. Overtime is way up.

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1 How are we covering this shortfall?"
 2 When he reports this, it's quite
 3 frankly so off that, you see, I respond with
 4 "I'll call you." There is a point at which
 5 I am not going to go back and forth with
 6 emails any longer.
 7 Q. The email that you reference
 8 first, actually, you wrote before he said
 9 anything about the recent fatality.
 10 A. Right.
 11 Q. Right. Now after.
 12 A. I'm pointing this out that I
 13 disagree with him. I don't have an issue
 14 doing that.
 15 Q. But the email you just referred
 16 to is written before --
 17 A. If I could finish.
 18 Q. -- his reference to the recent
 19 fatality.
 20 A. I know.
 21 Q. Right?
 22 A. Yes.
 23 On April 11th, he is saying
 24 things that are so inaccurate that I called
 25 him to clarify.

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1 Q. Right. And then you wrote -- the
 2 one thing you did write in this email
 3 exchange is that you were worried that Armand
 4 was going to say something in his speech
 5 about the numbers going up because of
 6 opiates, and you didn't think that's what the
 7 data show, right?
 8 MR. BADALA: Objection to form.
 9 THE WITNESS: Based on what he
 10 told me.
 11 BY MR. BOEHM:
 12 Q. What was his position at this
 13 time, Mr. Parfejewiec?
 14 A. At this time, I believe he was
 15 the interim director of Health and Human
 16 Services.
 17 Q. Is it fair to say that for
 18 purposes of the 2018 and 2019 Cuyahoga County
 19 budget, no agency other than the
 20 medical examiner received additional funding
 21 that you considered to be specifically in
 22 response to opiates?
 23 MR. BADALA: Objection to form.
 24 THE WITNESS: No, that's not fair
 25 to say that.

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1 DCFS has received additional
 2 funding in 2018. The sheriff's office
 3 received additional funding through
 4 their base budget.
 5 It wasn't a request, but we just
 6 increased the base because there was --
 7 we saw that the expenses were going up.
 8 (Email chain, Bates
 9 CUYAH_001742324 through
 10 CUYAH_001742325, marked as
 11 Deposition Exhibit 12.)
 12 BY MR. BOEHM:
 13 Q. I'm showing you a document that
 14 I've now marked as Exhibit 12 for purposes of
 15 your deposition. It's an email that you
 16 wrote to Ms. Karen Kearney.
 17 Do you know who Ms. Kearney is?
 18 A. Based on her email address, she
 19 works for the Mental Health Advocacy
 20 Coalition.
 21 Q. Okay. And you thank her for
 22 reading the budget book.
 23 And you say:
 24 "You're correct that the 2018
 25 budgets for Children and Family

<p style="text-align: right;">Page 402</p> <p>1 Services and most agencies is an</p> <p>2 increase over the 2017 estimate, but</p> <p>3 in most cases the increase reflects</p> <p>4 an assumed 2 percent increase in</p> <p>5 salaries, COLA, merit, or a</p> <p>6 combination of the two; and an</p> <p>7 increase in the employer's share of</p> <p>8 employee health care expenses."</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Okay.</p> <p>12 Do you stand by that, as you sit</p> <p>13 here today?</p> <p>14 A. I do.</p> <p>15 Q. Okay.</p> <p>16 And then you write:</p> <p>17 "So, yes, several agencies are</p> <p>18 getting an increase, but no agency</p> <p>19 other than the medical examiner has</p> <p>20 received additional funding</p> <p>21 specifically in response to opiates."</p> <p>22 Do you see that?</p> <p>23 A. At the time of writing, that was</p> <p>24 true.</p> <p>25 Q. So you don't think that's true</p>	<p style="text-align: right;">Page 404</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Okay.</p> <p>3 So what are the expenses -- the</p> <p>4 specific expenditures that you understood to</p> <p>5 have been made within DCFS that are specific</p> <p>6 to opiates?</p> <p>7 A. The additional funding that they</p> <p>8 have received was for personnel costs, which</p> <p>9 are the social workers who do all of the</p> <p>10 work. As I mentioned several times, their</p> <p>11 overtime is up, so that's expensive time and</p> <p>12 a half.</p> <p>13 And they also received funding</p> <p>14 this year for neighborhood-based services,</p> <p>15 which are, simply put, like support groups</p> <p>16 for families that have foster care children</p> <p>17 or are, you know, taking custody of family</p> <p>18 members to give them access to supportive</p> <p>19 services in their own communities.</p> <p>20 Q. Do you know who Judge Sweeney is?</p> <p>21 A. Which Judge Sweeney?</p> <p>22 Q. Do you know more than one Judge</p> <p>23 Sweeney?</p> <p>24 A. It's possible we have more than</p> <p>25 one. They're all Irish in Cuyahoga County.</p>
<p style="text-align: right;">Page 403</p> <p>1 anymore?</p> <p>2 A. I know it's not true anymore.</p> <p>3 Q. What are the specific additional</p> <p>4 funding that other agencies have received in</p> <p>5 response to opiates?</p> <p>6 A. Children and Family Services has</p> <p>7 received an additional \$7 million this year.</p> <p>8 I cannot tell you, as I said</p> <p>9 before, what actual dollar amount is</p> <p>10 specific to opiates, but based on the</p> <p>11 director and their data, some of it would be</p> <p>12 absolutely attributed to opiates.</p> <p>13 Q. For what purposes? You said it</p> <p>14 doesn't apply to foster care, right?</p> <p>15 A. Pardon me?</p> <p>16 Q. It doesn't apply to foster care,</p> <p>17 right? There's no increase in terms of</p> <p>18 foster care costs --</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. -- in connection with opiates,</p> <p>22 right?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: So far that has</p> <p>25 been true.</p>	<p style="text-align: right;">Page 405</p> <p>1 Q. But I'm asking if you know more</p> <p>2 than one Judge Sweeney.</p> <p>3 A. Not off the top of my head.</p> <p>4 Q. Do you know a Judge Sweeney?</p> <p>5 A. I know Kristen from Juvenile</p> <p>6 Court.</p> <p>7 Q. Okay. Have you ever had any</p> <p>8 conversations with Judge Sweeney about</p> <p>9 whether opiates and costs related to opiates</p> <p>10 have gone up in connection with juvenile</p> <p>11 detention?</p> <p>12 A. I don't know that I had a</p> <p>13 conversation with her about that, no.</p> <p>14 Q. Have you ever had any kind of</p> <p>15 communication with her about that?</p> <p>16 A. I don't know that I've had that</p> <p>17 communication with Judge Sweeney</p> <p>18 specifically, no.</p> <p>19 Q. Do you remember ever learning</p> <p>20 Judge Sweeney's views on whether or not the</p> <p>21 opiate crisis was impacting costs for</p> <p>22 Cuyahoga County in connection with juvenile</p> <p>23 detention?</p> <p>24 A. I don't recall having any</p> <p>25 conversations.</p>

<p style="text-align: right;">Page 406</p> <p>1 Q. Do you have a view as to whether</p> <p>2 or not the opiate public health issues in</p> <p>3 Cuyahoga County have impacted costs vis-a-vis</p> <p>4 juvenile detention?</p> <p>5 MR. BADALA: Objection to form.</p> <p>6 THE WITNESS: I need to ask what</p> <p>7 you mean when you say "juvenile</p> <p>8 detention."</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. Do you know what juvenile</p> <p>11 detention refers to?</p> <p>12 A. Well, we have a fund that's</p> <p>13 labeled "Juvenile Detention" that includes</p> <p>14 costs that aren't exclusive to juvenile</p> <p>15 detention, and then there is a juvenile</p> <p>16 detention center. So I don't know what</p> <p>17 you're referring to.</p> <p>18 Q. Okay. I'm showing you an email</p> <p>19 now.</p> <p>20 A. Okay.</p> <p>21 Q. It's been marked Exhibit 13.</p> <p>22 (Email, Bates CUYAH_001749074,</p> <p>23 marked as Deposition</p> <p>24 Exhibit 13.)</p> <p>25</p>	<p style="text-align: right;">Page 408</p> <p>1 financial activity for the last several</p> <p>2 years, and I would have to talk to the court.</p> <p>3 Q. Okay. Well, you said that you</p> <p>4 have people calling you all the time.</p> <p>5 A. Including the court.</p> <p>6 Q. Including the court.</p> <p>7 Has anybody from the Court ever</p> <p>8 called you up and said, "Hey, the opiate</p> <p>9 crisis is impacting our costs relative to</p> <p>10 juvenile detention"?</p> <p>11 MR. BADALA: Objection to form.</p> <p>12 THE WITNESS: The court has said,</p> <p>13 "Hey, the opiate crisis is impacting our</p> <p>14 costs relative to guardian ad litem</p> <p>15 expenses and the cost associated with</p> <p>16 processing cases."</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. I'm sure Sal can ask you the</p> <p>19 questions to get out testimony about other</p> <p>20 subjects --</p> <p>21 MR. BADALA: Wait. What?</p> <p>22 MR. BOEHM: -- if he wants to.</p> <p>23 But I'm asking you my question and so</p> <p>24 that's the one I need you to answer.</p> <p>25 MR. BADALA: Listen, I'm going to</p>
<p style="text-align: right;">Page 407</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. It was sent from Sybil Haney to</p> <p>3 you, among others. And it says, subject line</p> <p>4 "FYI."</p> <p>5 Do you see that?</p> <p>6 A. I see that.</p> <p>7 Q. The email reads:</p> <p>8 "According to Judge Sweeney, the</p> <p>9 opioid crisis is not, however,</p> <p>10 impacting juvenile detention."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Do you disagree with that?</p> <p>14 A. With how you read it?</p> <p>15 Q. Do you disagree with the</p> <p>16 substance of that statement?</p> <p>17 A. I have no data to agree or</p> <p>18 disagree with that statement.</p> <p>19 Q. So you don't know whether or not</p> <p>20 the opiate crisis has impacted costs related</p> <p>21 to juvenile detention?</p> <p>22 A. Not off the top of my head.</p> <p>23 Q. Where would you go to figure that</p> <p>24 out?</p> <p>25 A. I would have to look at their</p>	<p style="text-align: right;">Page 409</p> <p>1 object. I mean, she's answering the</p> <p>2 question that you're asking. You don't</p> <p>3 like the answer, you then say that it's</p> <p>4 a question from Sal -- or Sal -- I don't</p> <p>5 know what you're saying.</p> <p>6 If you don't like --</p> <p>7 MR. BOEHM: If you want to ask</p> <p>8 follow-up questions, then do it.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. My question to you -- my question</p> <p>11 to you, Ms. Keenan --</p> <p>12 MR. BADALA: I can't teach you</p> <p>13 how to ask a question.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. My question to you, Ms. Keenan --</p> <p>16 MR. BOEHM: Just knock it off.</p> <p>17 MR. BADALA: You're the one --</p> <p>18 MR. BOEHM: Knock it off.</p> <p>19 MR. BADALA: -- that's talking</p> <p>20 about my --</p> <p>21 MR. BOEHM: Knock it off. Knock</p> <p>22 it off.</p> <p>23 MR. BADALA: All right. She</p> <p>24 answered your question.</p> <p>25</p>

<p style="text-align: right;">Page 410</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Ms. Keenan, has anybody from the</p> <p>3 juvenile court called you up -- because you</p> <p>4 said you get a lot of calls, right?</p> <p>5 A. We've established that.</p> <p>6 Q. You get a lot of calls about</p> <p>7 budgets and needs from different departments,</p> <p>8 divisions, and programs in the county?</p> <p>9 A. Yes.</p> <p>10 Q. Has anybody from the juvenile</p> <p>11 court called you up and said, "Hey, the</p> <p>12 opioid crisis is affecting our costs in</p> <p>13 relation to juvenile detention"?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 Asked and answered.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. This email goes on to say, "Crack</p> <p>19 did though." Crack.</p> <p>20 Do you see that?</p> <p>21 A. Yes, I can see that.</p> <p>22 Q. Do you have any basis to disagree</p> <p>23 with anything that is written in this email</p> <p>24 that was sent to you on May 15th, 2017?</p> <p>25 MR. BADALA: Objection to form.</p>	<p style="text-align: right;">Page 412</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Has anybody ever shown you</p> <p>3 calculations about expenditures made by the</p> <p>4 county in connection with opiate use or abuse</p> <p>5 and asked you to review them?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 THE WITNESS: I can't recall.</p> <p>8 (Email, CUYAH_001715624, marked</p> <p>9 as Deposition Exhibit 14.)</p> <p>10 MR. BOEHM: I want to mark the</p> <p>11 next exhibit, which is Number 14 to your</p> <p>12 deposition. It's a May 2018 email. And</p> <p>13 it's from Ms. Cheryl Subler.</p> <p>14 She says that she's touching</p> <p>15 base to see if you are able to share</p> <p>16 data on opioid costs on the county, as</p> <p>17 you are going to check because of the</p> <p>18 lawsuit.</p> <p>19 Do you see that?</p> <p>20 A. I see that.</p> <p>21 Q. What data was Ms. Subler asking</p> <p>22 you about?</p> <p>23 A. Data on the cost of the opiate</p> <p>24 epidemic to the county.</p> <p>25 Q. Did you ever generate such data?</p>
<p style="text-align: right;">Page 411</p> <p>1 THE WITNESS: I've already</p> <p>2 answered that I have no data that would</p> <p>3 support my agreeing or disagreeing with</p> <p>4 anything on this paper.</p> <p>5 MR. BOEHM: Okay.</p> <p>6 THE VIDEOGRAPHER: I'm sorry.</p> <p>7 Can we go off the record for one second?</p> <p>8 MR. BADALA: Sure.</p> <p>9 MR. BOEHM: Yeah.</p> <p>10 THE VIDEOGRAPHER: Off the</p> <p>11 record.</p> <p>12 (Recess taken from 5:41 p.m. to</p> <p>13 5:57 p.m.)</p> <p>14 THE VIDEOGRAPHER: On the record,</p> <p>15 5:57.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. Ms. Keenan, welcome back.</p> <p>18 Have you ever made an effort to</p> <p>19 calculate the total amount of expenditures</p> <p>20 that Cuyahoga County has made in connection</p> <p>21 with addressing the opiate public health</p> <p>22 issues in the county?</p> <p>23 MR. BADALA: Objection to form.</p> <p>24 THE WITNESS: I don't believe so,</p> <p>25 no.</p>	<p style="text-align: right;">Page 413</p> <p>1 A. I did not.</p> <p>2 Q. Do you know if anybody in the</p> <p>3 Office of Budget and Management has ever</p> <p>4 generated such data?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Do you know of anybody in</p> <p>7 Cuyahoga County government who has undertaken</p> <p>8 to perform such a calculation?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: I wouldn't know.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. You're not aware of any such</p> <p>13 calculation having been performed?</p> <p>14 A. No.</p> <p>15 Q. And nobody has asked you to do</p> <p>16 that?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. And nobody has asked you to</p> <p>19 review any figures or calculations along</p> <p>20 those lines?</p> <p>21 MR. BADALA: Objection to form.</p> <p>22 THE WITNESS: Not that I can</p> <p>23 recall.</p> <p>24 BY MR. BOEHM:</p> <p>25 Q. When you say "not that I can</p>

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1 recall," do you have any sense that somebody
 2 in the past has asked you to do that?
 3 MR. BADALA: Objection to form.
 4 THE WITNESS: I can't recall.
 5 BY MR. BOEHM:
 6 Q. Does that seem like something
 7 that you would remember, if somebody had come
 8 to you and said, "Here's what we think is the
 9 total amount of expenditures made by
 10 Cuyahoga County in connection with the opiate
 11 crisis"?
 12 MR. BADALA: Objection to form.
 13 THE WITNESS: I don't -- I won't
 14 confirm that that's something that I
 15 would automatically remember.
 16 People come to me almost every
 17 day saying, Will you review these
 18 numbers? Will you analyze this? Will
 19 you review this? I don't recall all
 20 the requests that come to me.
 21 BY MR. BOEHM:
 22 Q. And you don't recall any request
 23 of that nature coming to you, right?
 24 A. Request of what nature?
 25 Q. Trying to calculate the total

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1 amount of expenditures by Cuyahoga County in
 2 connection with opiate use and abuse.
 3 MR. BADALA: Objection to form.
 4 THE WITNESS: As I stated, I
 5 can't recall that.
 6 MR. BOEHM: This is Exhibit 15 to
 7 your deposition.
 8 (Email chain, Bates
 9 CUYAH_001753465 through
 10 CUYAH_001753466, marked as
 11 Deposition Exhibit 15.)
 12 BY MR. BOEHM:
 13 Q. It's an email from April 2016.
 14 And here we see Ms. Subler
 15 again. And she asks you and others if
 16 you've quantified the cost of the opioid
 17 crisis on your county.
 18 Do you see that?
 19 A. Yes.
 20 Q. And you write back on April 26th
 21 to say: "We can. When do you need it?"
 22 Do you see that?
 23 A. I see that.
 24 Q. Did you ever actually perform
 25 that analysis?

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1 A. I did not.
 2 Q. Why not?
 3 A. Because the county is engaged in
 4 litigation.
 5 Q. Did somebody tell you not to
 6 conduct that analysis?
 7 MR. BADALA: Objection to form.
 8 To the extent you were told by an
 9 attorney, I will tell you not to
 10 disclose that information.
 11 THE WITNESS: I can't answer that
 12 question.
 13 BY MR. BOEHM:
 14 Q. Did somebody instruct you not to
 15 perform this analysis?
 16 A. I didn't ask anyone to perform
 17 this analysis. We're engaged in litigation.
 18 I didn't feel that it would be prudent to
 19 produce documents for an advocacy
 20 organization.
 21 Q. Well, actually, you write back to
 22 her to say, "We can. When do you need it?"
 23 Right?
 24 A. That is correct.
 25 Q. So did you then have second

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1 thoughts?
 2 A. That is correct.
 3 Q. Why did you have second thoughts?
 4 A. Because the County is engaged in
 5 litigation.
 6 Q. Did somebody tell you not to
 7 perform this analysis because the County is
 8 engaged in litigation?
 9 MR. BADALA: Objection to form.
 10 THE WITNESS: They did not. I
 11 didn't ask anyone if I should be
 12 performing this.
 13 BY MR. BOEHM:
 14 Q. Why does the fact that the county
 15 has filed a lawsuit inform your -- inform
 16 whether or not you would conduct an analysis
 17 to try and quantify the cost of the opioid
 18 crisis on Cuyahoga County?
 19 MR. BADALA: Objection to form.
 20 THE WITNESS: I don't want to do
 21 anything in addition to what might take
 22 place within the -- this lawsuit.
 23 If those calculations are going
 24 to be completed, they're going to be
 25 completed by experts, somebody else,

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1 and I'm not going to do competing
2 analyses. Somebody else is handling
3 that. I'm busy. CCAO is not my
4 priority.
5 BY MR. BOEHM:
6 Q. You were afraid that any
7 calculation you might perform would be
8 contradictory or different from the
9 litigation-related calculations?
10 MR. BADALA: Objection to form.
11 BY MR. BOEHM:
12 Q. Is that what you're saying?
13 A. That is not what I said.
14 Q. I thought you had said that
15 somebody -- explain to me what you mean by
16 that.
17 A. I'm not going to spend my time
18 engaging in preparing calculations that
19 somebody else is completing on behalf of this
20 county.
21 Q. In any event, you said -- in
22 fact, the first thing you said is we can do
23 it, right?
24 A. Yes.
25 Q. And do you stand by that today,

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1 that you could, if you wanted to, quantify
2 the cost of opioids on your county? Right?
3 MR. BADALA: Objection to form.
4 THE WITNESS: I believe I've
5 answered that.
6 I don't know that I can do that.
7 To say "we can," that's usually my
8 go-to response. I try to be helpful.
9 But it's not something I've
10 undertaken. It's not something I've
11 considered undertaking and, therefore,
12 I have not considered whether I am
13 capable of performing that analysis.
14 BY MR. BOEHM:
15 Q. So when you said "we can," you
16 didn't really mean it?
17 MR. BADALA: Objection to form.
18 THE WITNESS: I am capable of
19 providing them data relative to our
20 total expenditures, which is what I know
21 the other counties have provided.
22 But if you want to say that I
23 didn't really mean it, I'm not going to
24 object to that.
25

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1 MR. BOEHM: Okay. I'm going to
2 mark this next document as Exhibit 16.
3 (Email, "Actuals," Bates
4 CUYAH_001732895, marked as
5 Deposition Exhibit 16.)
6 BY MR. BOEHM:
7 Q. This is a document that is from
8 you to James Phillips.
9 Who is James Phillips?
10 A. He's a fiscal officer in the
11 Office of Budget and Management.
12 Q. And it says:
13 "Attached are actuals by year,
14 going back to 2006."
15 Do you see that?
16 A. I see that.
17 Q. Why back to 2006?
18 A. I have no idea. I don't know
19 what this email is about. There's no detail
20 in the subject. I don't know what I was
21 requesting here.
22 Q. This doesn't ring a bell for you
23 at all?
24 A. It does not.
25 Q. It's from May 2018, right?

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1 A. That's correct.
2 Q. You say:
3 "Can you please add subtotals for
4 each department and then a total at
5 the bottom."
6 Do you see that?
7 A. I see that.
8 Q. Okay.
9 MR. BADALA: Was there an
10 attachment? I don't think we got one.
11 MR. BOEHM: There was. It was
12 produced in native.
13 MR. BADALA: Okay. I just wanted
14 to let you know we didn't have it as the
15 exhibit.
16 MR. BOEHM: It's produced in
17 native. It's a major spreadsheet.
18 MR. BADALA: I'm just letting you
19 know, it's not in that exhibit she has
20 in front of her.
21 MR. BOEHM: No. I didn't mark it
22 just because --
23 MR. BADALA: Just for the record,
24 the attachment is not part of the
25 exhibit.

<p style="text-align: right;">Page 422</p> <p>1 MR. BOEHM: Correct.</p> <p>2 MR. BADALA: Just so we're clear</p> <p>3 about that.</p> <p>4 MR. BOEHM: Correct.</p> <p>5 We can reference it, I think, by</p> <p>6 Bates number if you'd like.</p> <p>7 MR. BADALA: Yeah. I just wanted</p> <p>8 to let you know because I didn't know</p> <p>9 if --</p> <p>10 MR. BOEHM: Yeah.</p> <p>11 For the record, it's a</p> <p>12 natively-produced spreadsheet that does</p> <p>13 have financial information.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. I was hoping that this would</p> <p>16 refresh your recollection, but I think you're</p> <p>17 testifying that it doesn't.</p> <p>18 A. I don't know what "natively</p> <p>19 produced" means.</p> <p>20 Q. It means we got it as a -- as an</p> <p>21 Excel file, so I would have to open it up in</p> <p>22 Excel and look at it in Excel, as opposed to</p> <p>23 these documents that, you know, we can print</p> <p>24 out, they come with a Bates stamp and so on.</p> <p>25 A. Based on what's written in this</p>	<p style="text-align: right;">Page 424</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Does that seem like something</p> <p>3 that would stand out in your memory?</p> <p>4 MR. BADALA: Objection to form.</p> <p>5 THE WITNESS: That does not seem</p> <p>6 like something that would stand out in</p> <p>7 my memory, no.</p> <p>8 MR. BOEHM: I'm marking this</p> <p>9 document as Exhibit 17.</p> <p>10 (*Clawed back* Email, "Re:</p> <p>11 Opiates," Bates CUYAH_001753000,</p> <p>12 marked as Deposition</p> <p>13 Exhibit 17.)</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. It's an email from April 2018.</p> <p>16 And you write to Mr. Budish, the</p> <p>17 county executive, and inform him that you've</p> <p>18 been asked if you can quantify the impact of</p> <p>19 opiates on budgets.</p> <p>20 Do you see that?</p> <p>21 A. I see that.</p> <p>22 Q. And you write to him:</p> <p>23 "We can directly attribute costs</p> <p>24 in the Medical Examiner's office and</p> <p>25 the sheriff's office to the rise in</p>
<p style="text-align: right;">Page 423</p> <p>1 email, I can't say that.</p> <p>2 I send an email like this</p> <p>3 probably once a week to everybody that works</p> <p>4 for me. I don't know which departments were</p> <p>5 included in the request.</p> <p>6 I don't know if it includes all</p> <p>7 expenses, only some expenses, all funds,</p> <p>8 restricted funds. I ask for this kind of</p> <p>9 data all the time.</p> <p>10 Q. Have you ever asked your team at</p> <p>11 the Office of Budget and Management to put</p> <p>12 together totals of opiate-related</p> <p>13 expenditures by Cuyahoga County?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: I can't recall</p> <p>16 doing that.</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. Do you ever remember Mr. Budish</p> <p>19 instructing you not to perform a calculation,</p> <p>20 computation, or analysis of the expenditures</p> <p>21 by Cuyahoga County related to opiates?</p> <p>22 MR. BADALA: Objection to form.</p> <p>23 THE WITNESS: I don't recall</p> <p>24 that, no.</p> <p>25</p>	<p style="text-align: right;">Page 425</p> <p>1 opiate cases in the county.</p> <p>2 "DCFS costs are more difficult to</p> <p>3 directly attribute, but I can take</p> <p>4 the increase in the number of parents</p> <p>5 testing positive for opiates in cases</p> <p>6 where the child was removed because</p> <p>7 of drugs, and multiple that by the</p> <p>8 average placement cost and length of</p> <p>9 stay."</p> <p>10 Do you see that?</p> <p>11 A. I see that.</p> <p>12 Q. Is that something you, in fact,</p> <p>13 could do?</p> <p>14 MR. BADALA: Objection to form.</p> <p>15 THE WITNESS: If that data is</p> <p>16 available.</p> <p>17 MR. BADALA: If I could just put</p> <p>18 a standing objection to this document.</p> <p>19 I think this document made it</p> <p>20 into our claw back privileged log, so</p> <p>21 -- I don't know if that's true, but I'm</p> <p>22 going to put that standing objection in</p> <p>23 there.</p> <p>24 MR. BOEHM: I'm not aware that</p> <p>25 it's been clawed back.</p>

<p style="text-align: right;">Page 426</p> <p>1 MR. BADALA: I believe it has, 2 I'd have to double-check. I don't have 3 my computer right now, but you can put 4 my standing objection on the record. 5 BY MR. BOEHM: 6 Q. It does go on to say here -- 7 well, Mr. Budish writes back, right? 8 A. That's correct. 9 Q. He says: 10 "I checked with Bob, but our 11 lawyers in the litigation will be 12 putting this together and they'll be 13 working with others around the 14 country so we don't miss categories 15 of damages. So I think we should not 16 send anything to CCAO which could be 17 used against us in the lawsuit." 18 Do you see that? 19 A. I see that. 20 Q. Do you remember receiving this? 21 A. I don't. 22 Q. Is this the reason why you didn't 23 perform any computation? 24 A. No. This is the reason I did not 25 provide data to CCAO, presumably, but this is</p>	<p style="text-align: right;">Page 428</p> <p>1 were doing it purposefully, that's why I 2 was -- 3 MR. BOEHM: Okay. 4 MR. HALLER: Just for the record, 5 that exhibit, the copies never made it 6 down to this end of the table, so -- 7 MR. BADALA: So you're saying you 8 don't have to destroy it? Is that what 9 you're saying? 10 MR. HALLER: We never got it. 11 BY MR. BOEHM: 12 Q. Did you know, Ms. Keenan, that 13 the lawyers in this case have provided to us 14 an estimate of what they believe 15 Cuyahoga County's expenditures related to 16 opiate use and abuse to be? 17 MR. BADALA: Objection to form. 18 THE WITNESS: I don't know what 19 the estimate -- the actual estimate for 20 our damages are. 21 BY MR. BOEHM: 22 Q. That wasn't quite my question. 23 My question is were you aware 24 that the lawyers had prepared an estimate of 25 the damages?</p>
<p style="text-align: right;">Page 427</p> <p>1 not the reason why I haven't performed any 2 computations. 3 MR. BADALA: And I'm sorry, just 4 further to my standing objection, on 5 October 26th, defendants confirmed that 6 specifically this document, that they 7 complied with its obligations under 8 CMO 2, specific to this document. 9 MR. BOEHM: Oh, so this was 10 clawed back? 11 MR. BADALA: Yes. 12 MR. BOEHM: Okay. My apologies. 13 If this was clawed back, I will cease my 14 questioning on that. 15 MR. BADALA: So just so you have 16 my standing objection for that document. 17 MR. BOEHM: Do you want me to 18 strike that part of the -- 19 MR. BADALA: Yeah, that would be 20 great. 21 MR. BOEHM: Okay. I didn't mean 22 to -- I apologize. I didn't know that 23 had been clawed back. Thank you for 24 letting me know. 25 MR. BADALA: I didn't think you</p>	<p style="text-align: right;">Page 429</p> <p>1 MR. BADALA: Objection to form. 2 THE WITNESS: I'm not aware that 3 the lawyers have prepared an estimate 4 that has been communicated. 5 BY MR. BOEHM: 6 Q. Are you aware that they've you've 7 prepared an estimate, notwithstanding whether 8 it's been communicated? 9 A. No. I know that estimates are 10 being prepared, but I don't know that 11 estimates are final and being communicated. 12 Q. Have you been consulted -- have 13 you been asked to provide your own input, as 14 the director of the Office of Budget and 15 Management -- 16 A. Input? 17 Q. -- in terms of estimates of 18 damages to Cuyahoga County? 19 MR. BADALA: Objection to form; 20 and to the extent you've had 21 communications with lawyers, I'll tell 22 you not to disclose the actual 23 communication. 24 He's asking whether you've had 25 communications, not what the</p>

<p style="text-align: right;">Page 430</p> <p>1 communications are.</p> <p>2 THE WITNESS: I have had</p> <p>3 communication about the impact of</p> <p>4 opioids on the county's budget.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. I'm talking about specific</p> <p>7 estimates of total damages.</p> <p>8 Have you had communications with</p> <p>9 individuals in the county about that?</p> <p>10 MR. BADALA: Same objection and</p> <p>11 same instruction.</p> <p>12 THE WITNESS: I have not had</p> <p>13 communication with individuals in the</p> <p>14 county related to damages.</p> <p>15 BY MR. BOEHM:</p> <p>16 Q. Have you seen specific damage</p> <p>17 estimates?</p> <p>18 A. No, I have not.</p> <p>19 Q. So you wouldn't know how any</p> <p>20 damage estimates were computed?</p> <p>21 A. No.</p> <p>22 MR. BOEHM: And we'll mark this</p> <p>23 document as Exhibit 18.</p> <p>24 (Plaintiffs County of Cuyahoga,</p> <p>25 Ohio, and the State of Ohio,</p>	<p style="text-align: right;">Page 432</p> <p>1 this is computed?</p> <p>2 A. This document doesn't even detail</p> <p>3 what these numbers are?</p> <p>4 Q. What do you mean?</p> <p>5 A. I don't know what's being</p> <p>6 reported here.</p> <p>7 Is this total expenses? Is this</p> <p>8 revenue? Is this expenses related to</p> <p>9 opiates? There's no real detailing on the</p> <p>10 spreadsheet.</p> <p>11 Q. If you -- I can give you a little</p> <p>12 bit of context. But the plaintiffs -- I'll</p> <p>13 direct you to a page here.</p> <p>14 We've got a bunch of lawyer talk</p> <p>15 pages of it. And then they finally say, at</p> <p>16 the bottom of page 7:</p> <p>17 "Plaintiffs computation, based on</p> <p>18 Plaintiffs' preliminary review of its</p> <p>19 records and is an estimate of --</p> <p>20 sorry -- as of Plaintiffs' damages,</p> <p>21 as of the date of this response, is</p> <p>22 provided in Exhibit 2."</p> <p>23 Do you see that?</p> <p>24 MR. BADALA: I think the</p> <p>25 paragraph before is still relevant too.</p>
<p style="text-align: right;">Page 431</p> <p>1 Prosecuting Attorney of Cuyahoga</p> <p>2 County, O'Malley's Second</p> <p>3 Supplemental Responses and</p> <p>4 Objections to Interrogatory 18,</p> <p>5 marked as Deposition</p> <p>6 Exhibit 18.)</p> <p>7 MR. BOEHM: Mr. Badala will</p> <p>8 recognize it.</p> <p>9 It's the County's responses to</p> <p>10 Distributor Defendants</p> <p>11 Interrogatory 18, and it's actually</p> <p>12 the -- I don't know, is this the third</p> <p>13 response?</p> <p>14 MR. BADALA: Yeah, the second</p> <p>15 supplemental, right? Okay.</p> <p>16 MR. BOEHM: Second supplemental,</p> <p>17 so I think that makes it the third</p> <p>18 response.</p> <p>19 BY MR. BOEHM:</p> <p>20 Q. If you turn to the next to last</p> <p>21 page, there's a spreadsheet that attempts to</p> <p>22 estimate damages based on various categories.</p> <p>23 Have you ever seen this before?</p> <p>24 A. No, I have not.</p> <p>25 Q. Are you able to determine how</p>	<p style="text-align: right;">Page 433</p> <p>1 BY MR. BOEHM:</p> <p>2 Q. Yeah. You're welcome to look at</p> <p>3 that too.</p> <p>4 And Exhibit 2 is what I --</p> <p>5 A. I'm sorry. I'm just reading</p> <p>6 this --</p> <p>7 Q. Yeah.</p> <p>8 A. I don't want to --</p> <p>9 (Reviewing document.)</p> <p>10 Okay.</p> <p>11 Q. And I directed you to the</p> <p>12 spreadsheet because, Ms. Keenan, that is</p> <p>13 Exhibit 2.</p> <p>14 A. Okay.</p> <p>15 Q. Ms. Keenan, are you able to</p> <p>16 determine how these numbers were computed?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 THE WITNESS: I am not able to</p> <p>19 determine that, no.</p> <p>20 BY MR. BOEHM:</p> <p>21 Q. Would you have any ability, based</p> <p>22 on the spreadsheet, to go and fact check</p> <p>23 this?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: No.</p>

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1 BY MR. BOEHM:
2 Q. What information would you need
3 in order to do that?
4 A. I would need to know how the
5 costs were calculated and what costs this
6 would include.
7 Children and Family Services,
8 for example, in 2017 probably spent
9 somewhere around \$140 million. I don't know
10 which of those 140 million is this 23.
11 Q. You're looking at 2013 right now?
12 A. I'm sorry.
13 Q. What year?
14 A. 2017.
15 Q. So that says '14, right?
16 A. For Children and Family
17 Services -- am I looking at the right page?
18 MR. BADALA: I think you might be
19 looking at the wrong page.
20 MR. BOEHM: Oh, I might be
21 looking at the wrong number.
22 MR. BADALA: Yeah.
23 MR. BOEHM: I'm sorry. I've got
24 the columns backwards.
25

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1 BY MR. BOEHM:
2 Q. You're looking at 2017 for
3 Children and Family Services where it says
4 23, right?
5 A. That's correct.
6 Q. And you don't know how they got
7 that number?
8 A. I don't know how they got that
9 number.
10 Q. And you said the total
11 Children and Family Services budget for 2017
12 would have been what?
13 MR. BADALA: Objection to form.
14 THE WITNESS: I wouldn't know
15 what the budget was. Actual spending
16 would have been in about the area of
17 about 140 million.
18 BY MR. BOEHM:
19 Q. But you can't tell based on this
20 how somebody got to the idea that there was
21 \$23 million in expenditures specific to
22 opiates in 2017 out of the Children and
23 Family Services department?
24 MR. BADALA: Objection to form.
25 THE WITNESS: I can't tell

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1 anything from this spreadsheet. These
2 are just numbers.
3 BY MR. BOEHM:
4 Q. Do you know, Ms. Keenan, whether
5 or not in 2016 there were any overdose deaths
6 of individuals under the age of 18
7 attributable to opiates?
8 MR. BADALA: Objection to form.
9 THE WITNESS: Not off the top of
10 my head, no.
11 BY MR. BOEHM:
12 Q. Do you recall ever having had
13 conversations with anybody in the county on
14 that subject?
15 A. I know that data is tracked
16 separately, overdose deaths by age category,
17 adult/juvenile.
18 I do recall having a
19 conversation about it because that
20 specifically rings a bell, but I could not
21 tell you who I was talking to or when it
22 was.
23 MR. BOEHM: I'm marking this
24 document as Exhibit -- I'm sorry -- 19.
25 (Email chain, "Re: Deaths under

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1 18," Bates CUYAH_001641531,
2 CUYAH_001729677, and
3 CUYAH_001729694, marked as
4 Deposition Exhibit 19.)
5 BY MR. BOEHM:
6 Q. And I've actually put three
7 emails together, they're all part of the same
8 thread.
9 They concern the question of
10 whether or not there had been opiate-related
11 overdose deaths in individuals under 18
12 during the year 2016.
13 Do you see that?
14 A. Yes.
15 Q. And the answer was there were
16 zero, right?
17 A. At the time of writing, yes.
18 Q. And that was mid-November, so
19 near the end of the year, right?
20 A. That's correct.
21 Q. And in one of the emails there,
22 you write -- it's the document that ends --
23 I'm sorry, the page that ends 1729677. You
24 write: "Really? Well, that's good."
25 Do you see that?

<p style="text-align: right;">Page 438</p> <p>1 A. I see that.</p> <p>2 Q. Were you surprised?</p> <p>3 A. I don't know if I was surprised.</p> <p>4 Q. What did you mean when you wrote</p> <p>5 "Really?"</p> <p>6 A. I honestly don't know because</p> <p>7 sometimes I write that when I'm surprised,</p> <p>8 and sometimes I write that when I want the</p> <p>9 person to review what they've told me one</p> <p>10 more time to make sure it's accurate.</p> <p>11 Q. In this case Mr. Miller says:</p> <p>12 "Well, that's a surprise." Right?</p> <p>13 A. That is correct.</p> <p>14 Q. And then you write:</p> <p>15 "That's what I said. But the</p> <p>16 best kind of surprise."</p> <p>17 Do you remember saying that?</p> <p>18 A. I don't remember saying it, but I</p> <p>19 see I typed it.</p> <p>20 Q. Do you know who has been named as</p> <p>21 defendants in this lawsuit by</p> <p>22 Cuyahoga County?</p> <p>23 A. I don't know that, no.</p> <p>24 Q. Are you -- do you know what a</p> <p>25 wholesale drug distributor is?</p>	<p style="text-align: right;">Page 440</p> <p>1 lawsuit against Walmart, Walgreens, CVS, and</p> <p>2 Rite-Aid?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: No, I don't.</p> <p>5 BY MR. BOEHM:</p> <p>6 Q. You mentioned earlier on that you</p> <p>7 received and had tracked data from the</p> <p>8 Medical Examiner's office. I believe you</p> <p>9 specifically mentioned toxicology, overdose</p> <p>10 deaths, and autopsies.</p> <p>11 Do you remember that?</p> <p>12 A. I do remember that.</p> <p>13 Q. What did you mean when you said</p> <p>14 you tracked the data?</p> <p>15 A. I mean that we request it from</p> <p>16 the agency periodically, and then we will</p> <p>17 track it, only to say whether the numbers are</p> <p>18 going up, down, staying the same.</p> <p>19 Q. Do you track it to see whether</p> <p>20 the numbers are related to one particular</p> <p>21 substance or another?</p> <p>22 A. That data is not tracked</p> <p>23 routinely. I have requested it in the past,</p> <p>24 periodically. I know I asked for it when the</p> <p>25 medical examiner was requesting additional</p>
<p style="text-align: right;">Page 439</p> <p>1 A. I don't know that.</p> <p>2 Q. Have you ever heard of</p> <p>3 Cardinal Health?</p> <p>4 A. I've heard of Cardinal Health,</p> <p>5 yes.</p> <p>6 Q. What do you know about</p> <p>7 Cardinal Health and its business?</p> <p>8 A. Very little. I know that they're</p> <p>9 a vendor of the county, or at least they used</p> <p>10 to be.</p> <p>11 Q. When you say "vendor of the</p> <p>12 county," what do you mean? They provide</p> <p>13 services to the county?</p> <p>14 A. They do.</p> <p>15 Q. Do you know what services?</p> <p>16 A. Something in the jail.</p> <p>17 Q. Do you know what?</p> <p>18 A. I don't.</p> <p>19 Q. Do you know who AmerisourceBergen</p> <p>20 is?</p> <p>21 A. No, I don't.</p> <p>22 Q. What about McKesson?</p> <p>23 A. No, I don't.</p> <p>24 Q. Do you know what, if any,</p> <p>25 allegations have been made in the County's</p>	<p style="text-align: right;">Page 441</p> <p>1 funding. And I've asked for it at least a</p> <p>2 second time because I know I communicated in</p> <p>3 some fashion to county council about the</p> <p>4 toxicology tests that we were doing.</p> <p>5 But that's not something that I</p> <p>6 routinely -- I don't check in on those every</p> <p>7 month or quarter.</p> <p>8 Q. Okay.</p> <p>9 When you track the data, how do</p> <p>10 you -- how do you go about tracking it, and</p> <p>11 what do you mean by tracking it?</p> <p>12 A. So by tracking it, I only mean</p> <p>13 that we will take note if the numbers are</p> <p>14 rising in a material amount. One, two, maybe</p> <p>15 not; but if they're going down, if they're</p> <p>16 staying the same. That kind of data has an</p> <p>17 impact, obviously, on the budget.</p> <p>18 If the number of autopsies</p> <p>19 performed is increasing, that might warrant</p> <p>20 the need for additional pathologists. We're</p> <p>21 accredited in our medical examiner's office,</p> <p>22 and so there are regulations on how many</p> <p>23 autopsies they can inform.</p> <p>24 Same for Children and Family</p> <p>25 Services. If that number is going up, it</p>

<p style="text-align: right;">Page 442</p> <p>1 informs our projections. 2 Q. You said you haven't always 3 tracked the data, you just sometimes track 4 the data. I'm a little confused by that 5 because typically when people talk about 6 tracking data, there's a regularized kind of 7 routine to it. 8 Do you mean when you say "track 9 the data," that you have a regular 10 routinized method for keeping track of data 11 out of the Medical Examiner's office? Or is 12 it more kind of ad hoc requests every now 13 and then? 14 A. I believe I answered that for the 15 Medical Examiner's office, that is not 16 routine. 17 Q. So how often have you -- is it 18 just based on your ad hoc requests? 19 A. Data will be requested by the 20 analyst quarterly, usually. Not always. But 21 we -- I ask them to do it quarterly. 22 We report certainly every year 23 the number of autopsies performed, and then 24 I have personally made requests on an ad hoc 25 basis.</p>	<p style="text-align: right;">Page 444</p> <p>1 thinking more in terms of the total amount of 2 money that they need? 3 MR. BADALA: Objection to form. 4 THE WITNESS: I don't wholly 5 agree with that statement. 6 I am concerned to a certain 7 extent with what is driving an increase 8 in activity, volume, demands for 9 services. Because the county has -- it 10 does have some obligation, however 11 slight, to try to remediate the causes 12 of what's driving this increase. 13 So to the best of our ability, 14 if we're seeing an increase in children 15 in placement, autopsies, guardian 16 ad litem, inmates in the jail who are 17 opium addicted, we will try to divert 18 money that we can to treatment. 19 That's why the ADAMHS Board has 20 never been cut. Other agencies have 21 been cut. I mean, I appreciate that 22 they asked for more money. It's 23 unfortunate that we couldn't give it. 24 But I feel it is important for 25 the county. And I do feel that, even</p>
<p style="text-align: right;">Page 443</p> <p>1 Q. How far back have you tried to 2 keep tabs on those data? 3 MR. BADALA: Objection to form. 4 THE WITNESS: I have physical 5 access to the number of autopsies we 6 performed going back to 2006 in the 7 budget books. 8 BY MR. BOEHM: 9 Q. Is the information in the budget 10 books coded to try and differentiate as 11 between opiate-related information versus 12 autopsies, toxicology, or overdose related to 13 other substances? 14 A. In the budget books, it's not 15 coded. Limited space, so we just track the 16 key indicators that we feel might best 17 communicate, like volume of activity. 18 Q. Fair to say it's not really your 19 concern, based on your job at the county, to 20 try and differentiate as between expenditures 21 that are related to opiates versus other 22 expenditures that, let's say, the 23 Medical Examiner's office or the Department 24 of Children and Family Services, or the 25 sheriff's office might have, because you're</p>	<p style="text-align: right;">Page 445</p> <p>1 for myself, yes, I would like to know 2 at some level what is driving these 3 numbers. 4 BY MR. BOEHM: 5 Q. But every time I ask you if you 6 do know and if you've looked into it, you 7 just you say "I'm just trying to keep my head 8 above water. I don't know." Right? 9 MR. BADALA: Objection to form. 10 THE WITNESS: I don't believe 11 that's what I said. I said I have -- 12 BY MR. BOEHM: 13 Q. All right. Let's go through it. 14 MR. BADALA: Do you want to 15 finish? 16 BY MR. BOEHM: 17 Q. Go ahead. 18 MR. BADALA: Were you done? 19 THE WITNESS: I said I have 20 routinely asked for some data and on a 21 non-routine basis I have asked for other 22 data. 23 What I have not dug into is what 24 can be attributed to specific opiates, 25 Fentanyl, carfentanil, heroine. I</p>

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1 don't care. From my perspective, it
 2 all goes back to prescription opiates,
 3 so I don't track that data.
 4 BY MR. BOEHM:
 5 Q. But you -- I've asked you even to
 6 differentiate between opiates and other
 7 substances. And you said you couldn't do
 8 that either, right?
 9 MR. BADALA: Objection to form.
 10 THE WITNESS: The
 11 Medical Examiner's office can do that,
 12 and I have received that data.
 13 BY MR. BOEHM:
 14 Q. Okay. Great. Let's do this
 15 again.
 16 Ms. Keenan, what specific
 17 expenditures from the Medical Examiner's
 18 office for Cuyahoga County can you attribute
 19 directly to opiates?
 20 MR. BADALA: Objection, form.
 21 Asked and answered.
 22 BY MR. BOEHM:
 23 Q. Can you do that? Because
 24 earlier, you said, I think, that you
 25 couldn't.

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1 MR. BADALA: Objection to form.
 2 THE WITNESS: The answer to the
 3 question hasn't changed. I cannot do
 4 that. I get data.
 5 BY MR. BOEHM:
 6 Q. Does the data that has provided
 7 to you -- does that allow you to do that?
 8 MR. BADALA: Objection to form.
 9 THE WITNESS: I can't answer that
 10 question. I don't know.
 11 BY MR. BOEHM:
 12 Q. Why not?
 13 A. Because as I've said before, I
 14 don't know how to do that computation, and I
 15 haven't dug into trying to figure it out yet.
 16 Q. Have you tried to do that with
 17 respect to expenditures in the Department of
 18 Children and Family Services?
 19 A. I haven't done it for any agency.
 20 MR. BOEHM: How are we doing?
 21 THE VIDEOGRAPHER: Approximately
 22 ten minutes.
 23 MR. BADALA: I have eight, just
 24 to be accurate.
 25 MR. BOEHM: No, no, sorry. We're

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1 going with this guy.
 2 MR. BADALA: We're going to go
 3 with what it says at the (inaudible.)
 4 BY MR. BOEHM:
 5 Q. Do you track data out of the
 6 division of Children and Family Services?
 7 A. Every week.
 8 Q. What data have you tracked?
 9 A. I track the number of children in
 10 out-of-home placement, and I track the number
 11 of children in the county's permanent
 12 custody, which means they are never going
 13 home.
 14 Q. But you don't track to try and
 15 determine what expenditures by the county in
 16 the Department of Children and Family
 17 Services are attributable to opiates?
 18 A. No, I have not.
 19 Q. Could you do that if you wanted
 20 to?
 21 A. I believe I've answered that
 22 question. I don't know if I could do that.
 23 I have not endeavored to try.
 24 Q. What would you have to do to try
 25 and figure out whether you could or couldn't

Page 449

1 do that?
 2 MR. BADALA: Objection to form.
 3 THE WITNESS: I don't know.
 4 BY MR. BOEHM:
 5 Q. Well, how would you go about it?
 6 If Armond Budish called you up
 7 and asked you to do that, what steps would
 8 you take?
 9 MR. BADALA: Objection to form.
 10 THE WITNESS: I don't know.
 11 BY MR. BOEHM:
 12 Q. If Armond Budish called you up on
 13 the phone tomorrow and said, "Ms. Keenan,
 14 here's my task: I want you to try and figure
 15 out what specific expenditures from the
 16 Department of Children and Family Services
 17 are attributable to opiates. Can you do
 18 that?" What would your response be?
 19 MR. BADALA: Objection to form.
 20 THE WITNESS: My response would
 21 be my response to you, I don't know if I
 22 can do that.
 23 BY MR. BOEHM:
 24 Q. And if he said, "Well, I want you
 25 to try and find out. Take whatever steps you

<p style="text-align: right;">Page 450</p> <p>1 need to try and figure out whether you can, 2 and then report back to me." What would you 3 do? 4 MR. BADALA: Objection to form. 5 THE WITNESS: I don't know. 6 BY MR. BOEHM: 7 Q. Is your mom in the medical field? 8 MR. BADALA: Objection to form. 9 THE WITNESS: She's a nurse. 10 BY MR. BOEHM: 11 Q. Have you ever had a request from 12 somebody in County government to assist in 13 addressing any particular individual with an 14 opiate substance abuse problem? 15 MR. BADALA: Objection to form. 16 THE WITNESS: I don't know if 17 I've had a request to deal with an 18 opiate-specific problem, but I have had 19 several requests for an assist to secure 20 treatment for drug abuse. 21 BY MR. BOEHM: 22 Q. Individuals in the County have 23 come to you and requested your assistance in 24 securing treatment for drug abuse? 25 MR. BADALA: Objection to form.</p>	<p style="text-align: right;">Page 452</p> <p>1 question requires you to disclose this 2 person's name -- 3 MR. BOEHM: I didn't ask about 4 any names. 5 MR. BADALA: You asked her who. 6 Didn't you ask that? 7 MR. BOEHM: I asked who came to 8 you with requests about -- 9 BY MR. BOEHM: 10 Q. Were you suggesting that -- let 11 me ask you this question. 12 MR. BOEHM: Maybe you heard a 13 different -- 14 MR. BADALA: Maybe you asked it 15 wrong. 16 MR. BOEHM: Well, maybe you 17 understood it. We'll see. 18 BY MR. BOEHM: 19 Q. Have individuals from the County 20 come to you requesting assistance for their 21 own substance abuse treatment? 22 A. No. 23 Q. Okay. 24 MR. BADALA: There you go. 25</p>
<p style="text-align: right;">Page 451</p> <p>1 BY MR. BOEHM: 2 Q. Did I understand that right? 3 A. That's correct. 4 Q. Who has done that? 5 MR. BADALA: I'm only going to 6 instruct you not to disclose someone's 7 personal health information, that's what 8 my instruction is going to be. 9 If you can answer that 10 question -- 11 MR. BOEHM: Even by saying that, 12 Sal, even the mere suggestion that she 13 should not answer that question is 14 improper. 15 There's nothing improper about 16 the question. There's no basis for her 17 not to answer it. And you even saying 18 that is improper because it does, I 19 think -- is very much intended to 20 suggest to her that she shouldn't 21 respond. There's no basis for that. 22 MR. BADALA: If I can finish? 23 You jumped right in. Let me finish. 24 What I'm telling you is that if 25 this requires -- if answering this</p>	<p style="text-align: right;">Page 453</p> <p>1 BY MR. BOEHM: 2 Q. So have individuals come to you 3 requesting assistance for substance use 4 treatment for members of their family? 5 A. Yes. 6 Q. And who has done that? 7 A. It wasn't his family member, but 8 Dennis Kennedy, my boss, asked me. It was a 9 friend of his son's. 10 Q. Did you talk to your mother about 11 that? 12 A. I believe I did. 13 Q. What did you discuss with your 14 mother about that? 15 A. At the time, my mother worked for 16 the Cleveland Clinic, and treatment beds are 17 hard to come by in the city of Cleveland, 18 Cuyahoga County. So I was asking her where 19 should this person go; what's their first 20 step. 21 Q. And were you trying to provide 22 assistance to this friend of Mr. Kennedy so 23 that the person could get treatment for 24 substance use? 25 MR. BADALA: Objection to form.</p>

<p style="text-align: right;">Page 454</p> <p>1 THE WITNESS: I was trying to 2 give them some information on how they 3 go about securing treatment. 4 BY MR. BOEHM: 5 Q. Okay. 6 Do you know if that person got 7 any preferential treatment, in terms of 8 securing treatment for substance use 9 disorder? 10 MR. BADALA: Objection to form. 11 THE WITNESS: I wouldn't know 12 that, but I didn't even disclose his 13 name to my mother, so it wouldn't have 14 come from my family. 15 MR. BOEHM: All right. Let's go 16 off the record. 17 THE VIDEOGRAPHER: Off the 18 record, 6:37. 19 (Recess taken from 6:37 p.m. to 20 6:43 p.m.) 21 THE VIDEOGRAPHER: On the record, 22 6:43. 23 MR. BOEHM: Ms. Keenan, thank you 24 very much for your time here today. I 25 know it's been a long day. It's much</p>	<p style="text-align: right;">Page 456</p> <p>1 and Fentanyl? 2 A. Because I associate them all with 3 prescription opiates. 4 Q. What do you mean by that? 5 A. Based on what I've read, my 6 understanding is the increase in the use of 7 heroin is directly attributable to the 8 increase in the use of prescription opiates. 9 Q. And is that the same for 10 Fentanyl? 11 A. That's correct. 12 Q. Ms. Keenan, you mentioned earlier 13 about a report about the Cuyahoga County 14 jail. Do you recall that? 15 A. Yes. 16 Q. And to your knowledge, does that 17 have -- does that report have any connection 18 to the impact of the opioid epidemic? 19 A. It does. 20 One of the allegations in the 21 report was that inmates weren't being 22 treated medically on a timely basis, and 23 they weren't receiving proper medical care. 24 And part of the county's problem 25 is that the increase in the number of</p>
<p style="text-align: right;">Page 455</p> <p>1 appreciated. We did it, and thanks for 2 your time. 3 I don't know if Mr. Badala is 4 going to have questions of you or not. 5 If he does, I'll have some follow-ups. 6 If he doesn't, then I think you'll be 7 done for the day. 8 THE WITNESS: Okay. 9 MR. BADALA: Any questions? 10 Okay. 11 So, just for the record, 12 defendants have said they have no 13 further questions at this time. 14 --- 15 EXAMINATION 16 BY MR. BADALA: 17 Q. Ms. Keenan, I have a few 18 questions for you. 19 Do you recall testifying earlier 20 that you, yourself, do not separate 21 prescription opioids, heroine, carfentanil, 22 and Fentanyl? 23 A. Yes. 24 Q. Why don't you separate 25 prescription opioids, heroine, carfentanil,</p>	<p style="text-align: right;">Page 457</p> <p>1 inmates that are coming in opiate-addicted, 2 the county has not been able to fully 3 respond to that. 4 Q. Do you believe County 5 Executive Budish has any necessary 6 information that you do not have regarding 7 the budget process within Cuyahoga County? 8 MR. BOEHM: Objection. Lack of 9 foundation. 10 BY MR. BADALA: 11 Q. Let's go back a little bit here. 12 Do you recall testifying about 13 your communications with County 14 Executive Budish earlier here today? 15 A. Yes. 16 Q. And do you recall Mr. Boehm 17 asking you questions about the county 18 executive's authority to recommend a budget 19 to the county council? 20 A. I do. 21 Q. And do you believe County 22 Executive Budish has any necessary 23 information that you do not have regarding 24 the budget process within Cuyahoga County? 25 MR. BOEHM: Objection, calls for</p>

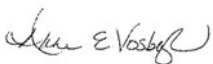
<p style="text-align: right;">Page 458</p> <p>1 speculation and lacks foundation. 2 BY MR. BADALA: 3 Q. You can answer. 4 A. No, he does not. 5 Q. Now, earlier you heard about 6 county council members. 7 Do you recall that? 8 A. Yes. 9 Q. Do you believe any of the county 10 council members have any necessary 11 information that you do not have regarding 12 the budget process within Cuyahoga County? 13 MR. BOEHM: Lacks foundation and 14 utterly calls for speculation. 15 MR. BADALA: You can only object 16 to form. Can you just make your 17 objection to form? 18 MR. BOEHM: It's made. 19 MR. BADALA: Okay. No speaking 20 objections. 21 MR. BOEHM: It's a form 22 objection. Go ahead. 23 THE WITNESS: No, I don't believe 24 they do. The budget process is dictated 25 by the Office of Budget and Management.</p>	<p style="text-align: right;">Page 460</p> <p>1 BY MR. BADALA: 2 Q. You can answer the question. Or 3 do you need it repeated? 4 MR. BOEHM: The record speaks for 5 itself. You know you didn't always. 6 BY MR. BADALA: 7 Q. Do you need it repeated? 8 A. I don't need it repeated. 9 I do not believe he has any 10 knowledge that I'm also not aware of. 11 Q. Well, let me ask that again, 12 because I think that was a different answer. 13 A. Relative to the opiate epidemic. 14 Q. I'll ask again. 15 Do you believe County 16 Executive Budish has any necessary 17 information that you do not have regarding 18 the impact of opioids on Cuyahoga County? 19 MR. BOEHM: Speculation. 20 Foundation. 21 THE WITNESS: No, I don't believe 22 he does. 23 BY MR. BADALA: 24 Q. Do you believe the county council 25 members have any necessary information that</p>
<p style="text-align: right;">Page 459</p> <p>1 BY MR. BADALA: 2 Q. Do you believe County 3 Executive Budish has any necessary 4 information that you do not have regarding 5 the impact of opioids on Cuyahoga County? 6 MR. BOEHM: Lacks foundation, 7 calls for speculation. 8 MR. BADALA: Please only state 9 "objection to form." That's what the 10 rules are in this case. 11 If you want to keep making 12 speaking objections, we'll note it for 13 the record. 14 MR. BOEHM: It would be nice if 15 you'd followed your own rule today. 16 MR. BADALA: I stated "Objection 17 to form." Are you telling me right 18 now -- 19 MR. BOEHM: Sometimes you didn't. 20 MR. BADALA: Make your objection 21 to form. 22 MR. BOEHM: Sometimes you did and 23 sometimes you didn't, Sal. 24 MR. BADALA: Make your objection 25 to form</p>	<p style="text-align: right;">Page 461</p> <p>1 you do not have regarding the impact of 2 opioids on Cuyahoga County? 3 MR. BOEHM: Same objections. 4 THE WITNESS: Absolutely not. 5 They do not. 6 BY MR. BADALA: 7 Q. Do you believe Dennis Kennedy, 8 the CFO, has any necessary information that 9 you do not have regarding the budget process 10 within Cuyahoga County? 11 MR. BOEHM: Same objections. 12 THE WITNESS: Absolutely not. 13 BY MR. BADALA: 14 Q. Do you believe the CFO, 15 Dennis Kennedy, has any necessary information 16 that you do not have regarding the impact of 17 opioids on Cuyahoga County? 18 MR. BOEHM: Same objections. 19 THE WITNESS: No, he does not. 20 MR. BADALA: Okay. I have no 21 further questions. 22 MR. BOEHM: Great. I do have 23 some follow-ups. 24 MR. NAEEM: Let's go off the 25 record.</p>

<p style="text-align: right;">Page 462</p> <p>1 THE VIDEOGRAPHER: Off the 2 record, 6:49. 3 (Recess taken from 6:49 p.m. to 4 6:58 p.m.) 5 THE VIDEOGRAPHER: On the record, 6 6:58. 7 --- 8 RE-EXAMINATION 9 BY MR. BOEHM: 10 Q. Hi, Ms. Keenan. I have just a 11 few follow-up questions based on some of the 12 things that your lawyer over here asked you. 13 Do you recall that some heroin 14 users have never used a prescription opioid 15 medication? 16 MR. BADALA: Objection to form. 17 THE WITNESS: I'm sure there are 18 some heroin users. 19 BY MR. BOEHM: 20 Q. And you're not an expert in the 21 statistics of how opiate substance abuse 22 sufferers first become addicted to opiates, 23 correct? 24 MR. BADALA: Objection to form. 25 THE WITNESS: I am not an expert</p>	<p style="text-align: right;">Page 464</p> <p>1 a prescription, or whether it's an elicit 2 product as it's being used in 3 Cuyahoga County, right? 4 MR. BADALA: Objection to form. 5 THE WITNESS: Okay. I don't 6 remember saying that. That was many 7 hours ago. 8 BY MR. BOEHM: 9 Q. Is that true? You don't know? 10 A. I don't know. 11 Q. You mentioned, or your lawyer 12 mentioned this report about a jail and 13 inmates not being treated on a timely basis. 14 Do you remember the questions 15 about that? 16 A. I do. 17 Q. Do you know specifically what the 18 numbers of opiate-addicted inmates is at the 19 Cuyahoga County Jail? 20 A. That number will change daily. I 21 don't know what it is off the top of my head. 22 Q. Do you keep track of the trends 23 in terms of opiate-addicted inmates? 24 A. I do not. 25 Q. Have you ever?</p>
<p style="text-align: right;">Page 463</p> <p>1 in that area. 2 BY MR. BOEHM: 3 Q. You're not an expert in 4 epidemiology or biostatistics? 5 MR. BADALA: Objection to form. 6 THE WITNESS: I am not an expert 7 in either of those areas. 8 BY MR. BOEHM: 9 Q. And you're not an expert in 10 addiction medication, correct? 11 MR. BADALA: Objection to form. 12 I'm going to use a Mr. Boehm objection: 13 Asked and answered. 14 THE WITNESS: I am not an expert 15 in addiction. 16 BY MR. BOEHM: 17 Q. And, in fact, earlier today when 18 I asked you some questions about Fentanyl, 19 you said you weren't even sure what Fentanyl 20 is, right? 21 MR. BADALA: Objection to form. 22 THE WITNESS: No. I do not know 23 the chemical makeup of Fentanyl. 24 BY MR. BOEHM: 25 Q. And you didn't know whether it's</p>	<p style="text-align: right;">Page 465</p> <p>1 A. I have requested that data 2 periodically, but I do not track it on a 3 routine basis. 4 Q. So you don't really have any 5 basis to say whether or not the delays in the 6 number of -- or the delays in treatment is 7 specifically related to opiate-addicted 8 patients, correct? 9 MR. BADALA: Objection to form. 10 THE WITNESS: I do have a basis 11 for saying that because I communicate 12 with everybody that works in the jail. 13 And that's what's reported back, that 14 they're being -- 15 BY MR. BOEHM: 16 Q. Have you -- I'm sorry. 17 A. I'm sorry -- being overwhelmed by 18 the increase in the number of inmates that 19 are coming in addicted to opiates. 20 Q. That's just based on your 21 conversations, right? 22 A. That's correct. 23 Q. You don't know the numbers? 24 MR. BADALA: Objection, form. 25 THE WITNESS: Not off the top of</p>

<p style="text-align: right;">Page 466</p> <p>1 my head.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. Well, top of your head or not,</p> <p>4 it's not something you regularly track,</p> <p>5 right?</p> <p>6 MR. BADALA: Objection to form.</p> <p>7 Asked and answered. Misstates</p> <p>8 testimony.</p> <p>9 THE WITNESS: As I said, I have</p> <p>10 requested that data, so I've seen it</p> <p>11 before. But I do not track it on a</p> <p>12 routine basis.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. Have you read this report about</p> <p>15 the jail?</p> <p>16 A. Yes, I have.</p> <p>17 Q. Did you read the whole thing?</p> <p>18 A. Yes, I did.</p> <p>19 Q. Did you read about the vermin</p> <p>20 infestations?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Was that related to opiates?</p> <p>23 A. I wouldn't know.</p> <p>24 Q. Did you read about children being</p> <p>25 housed with adults?</p>	<p style="text-align: right;">Page 468</p> <p>1 Armond Budish knows nothing about this</p> <p>2 county budget that I don't know.</p> <p>3 BY MR. BOEHM:</p> <p>4 Q. Do you sit in on every meeting</p> <p>5 that the county executive has?</p> <p>6 A. I do not.</p> <p>7 Q. Do you know if Mr. Budish has</p> <p>8 ever had conversations with department,</p> <p>9 division, or program heads related to the</p> <p>10 opiate crisis that you have not been a part</p> <p>11 of?</p> <p>12 MR. BADALA: Objection to form.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. And you don't listen in on his</p> <p>16 conversations?</p> <p>17 MR. BADALA: Objection, form.</p> <p>18 THE WITNESS: I do not, but I</p> <p>19 communicate with Armond, so I am well</p> <p>20 aware of what he knows and what he does</p> <p>21 not know.</p> <p>22 BY MR. BOEHM:</p> <p>23 Q. Do you have access to his email</p> <p>24 account?</p> <p>25 A. I routinely communicate with him.</p>
<p style="text-align: right;">Page 467</p> <p>1 A. Yes, I did.</p> <p>2 Q. Was that related to opiates?</p> <p>3 A. I wouldn't know.</p> <p>4 Q. You wouldn't know? You don't</p> <p>5 know one way or another?</p> <p>6 A. I don't know one way or --</p> <p>7 Q. You don't know whether the vermin</p> <p>8 infestation is related to opiates or not?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 Asked and answered.</p> <p>11 THE WITNESS: I don't know why we</p> <p>12 have vermin in the county jail.</p> <p>13 BY MR. BOEHM:</p> <p>14 Q. But you do know what</p> <p>15 Armond Budish thinks, and you know everything</p> <p>16 he thinks and knows, right?</p> <p>17 MR. BADALA: Objection to form.</p> <p>18 Misstates the testimony.</p> <p>19 THE WITNESS: That wasn't the</p> <p>20 question that was asked of me, and that</p> <p>21 wasn't my answer to the question that</p> <p>22 was asked of me.</p> <p>23 I do know that Armond Budish</p> <p>24 knows nothing about the budget process</p> <p>25 that I don't know, and I know that</p>	<p style="text-align: right;">Page 469</p> <p>1 No, I don't have access to his</p> <p>2 email.</p> <p>3 Q. So you don't know whether or not</p> <p>4 he's had email communications with</p> <p>5 department, division, or program leads within</p> <p>6 Cuyahoga County government about opiates,</p> <p>7 right?</p> <p>8 MR. BADALA: Objection to form.</p> <p>9 THE WITNESS: I don't but, like I</p> <p>10 stated, I have had these conversations</p> <p>11 with Armond for several years. I know</p> <p>12 what he knows, and it's no more than I</p> <p>13 know.</p> <p>14 BY MR. BOEHM:</p> <p>15 Q. You've had conversations with</p> <p>16 him, but you've not been a party to all of</p> <p>17 his conversations, fair?</p> <p>18 A. During the course of our</p> <p>19 conversations, he has communicated to me what</p> <p>20 he knows.</p> <p>21 Q. Has he told you, "Hey, Maggie, I</p> <p>22 have told you about every conversation and</p> <p>23 every thought I've had as it relates to</p> <p>24 opiates"? Has he ever said that to you?</p> <p>25 MR. BADALA: Objection to form.</p>

<p style="text-align: right;">Page 470</p> <p>1 THE WITNESS: No.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. Has he ever said anything like</p> <p>4 that to you?</p> <p>5 A. He has told me what he knows</p> <p>6 about the opiate epidemic. He has told me</p> <p>7 what he knows about the impact of the opioid</p> <p>8 impact on the county budget. And he has told</p> <p>9 me what he knows about the county budget and</p> <p>10 the county budget process.</p> <p>11 And I can assure you, none of</p> <p>12 that was unknown to me.</p> <p>13 Q. He's the one who sets the</p> <p>14 policies, right?</p> <p>15 MR. BADALA: Objection to form.</p> <p>16 Are we past that six minutes?</p> <p>17 BY MR. BOEHM:</p> <p>18 Q. For the county government?</p> <p>19 A. Not solely, no.</p> <p>20 Q. And the county council is the</p> <p>21 ones who approves the budget, right?</p> <p>22 A. Ultimately, yes.</p> <p>23 Q. Do you know if members of the</p> <p>24 county council have had communications that</p> <p>25 you've not been privy to with department,</p>	<p style="text-align: right;">Page 472</p> <p>1 interactions that the directors have</p> <p>2 with the council members are in public</p> <p>3 meetings.</p> <p>4 We're prohibited from having</p> <p>5 individual meetings with all the county</p> <p>6 council members separately about the</p> <p>7 same topic. We have to do that</p> <p>8 publicly.</p> <p>9 BY MR. BOEHM:</p> <p>10 Q. A division head can call a member</p> <p>11 of the county council and have a conversation</p> <p>12 on the telephone or by email, right?</p> <p>13 MR. BADALA: Objection to form.</p> <p>14 THE WITNESS: I didn't say they</p> <p>15 couldn't.</p> <p>16 BY MR. BOEHM:</p> <p>17 Q. And they could talk about their</p> <p>18 views on opiates, right?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: That's correct.</p> <p>21 BY MR. BOEHM:</p> <p>22 Q. And you wouldn't know anything</p> <p>23 about that?</p> <p>24 MR. BADALA: Objection to form.</p> <p>25 THE WITNESS: I believe I've</p>
<p style="text-align: right;">Page 471</p> <p>1 division, or program heads related to</p> <p>2 opiates?</p> <p>3 MR. BADALA: Objection to form.</p> <p>4 THE WITNESS: If I wasn't privy</p> <p>5 to the conversation, I can't confirm or</p> <p>6 deny that it happened.</p> <p>7 BY MR. BOEHM:</p> <p>8 Q. Right. So you don't know, right?</p> <p>9 MR. BADALA: Objection to form.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 BY MR. BOEHM:</p> <p>12 Q. And you don't know what they've</p> <p>13 said about their views on opiates to those</p> <p>14 individuals, and you don't know what,</p> <p>15 division, department, and program leads have</p> <p>16 said to the county council, to the extent you</p> <p>17 have not, yourself, been a part of that</p> <p>18 conversation, correct?</p> <p>19 MR. BADALA: Objection to form.</p> <p>20 THE WITNESS: I do know to a</p> <p>21 certain extent what the county council</p> <p>22 members know, because they communicate</p> <p>23 that publicly in committee meetings and</p> <p>24 council meetings.</p> <p>25 And the majority of the</p>	<p style="text-align: right;">Page 473</p> <p>1 answered that. Yes.</p> <p>2 BY MR. BOEHM:</p> <p>3 Q. You would not know anything about</p> <p>4 that, right?</p> <p>5 A. That's correct.</p> <p>6 MR. BOEHM: Thank you.</p> <p>7 MR. BADALA: Any other questions?</p> <p>8 How about on the phone? No one</p> <p>9 on the phone? Okay.</p> <p>10 I have no further questions.</p> <p>11 MS. COLLINS: Thanks.</p> <p>12 MR. BOEHM: Thanks.</p> <p>13 THE VIDEOGRAPHER: Off the</p> <p>14 record, 7:04.</p> <p>15 (Time noted: 7:04 p.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1
2 I, ANNE E. VOSBURGH, Certified Shorthand
3 Reporter, Registered Professional Reporter,
4 Certified Realtime Reporter, and Notary
5 Public, hereby certify:
6 That MARGARET "MAGGIE" KEENAN was duly sworn by me,
7 an authorized Notary Public, and that this
8 deposition is a true and correct record of
9 the testimony given by such witness to the
10 best of my knowledge and ability.
11 I further certify that I am not related
12 to any of the parties to this action and that
13 I am in no way interested in the outcome of
14 this matter.
15 In witness whereof, I have hereunto set
16 my hand this day, December 17, 2018.
17 
18 Anne E. Vosburgh, CSR-6804, RPR, CRR
19
20
21
22
23
24
25

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1 Veritext Legal Solutions
2 1100 Superior Ave
3 Suite 1820
4 Cleveland, Ohio 44114
5 Phone: 216-523-1313
6 December 18, 2018
7 To: Salvatore Badala, Esq.
8 Case Name: In Re: National Prescription Opiate Litigation
9 Veritext Reference Number: 3153090
10 Witness: Margaret Keenan Deposition Date: 12/12/2018
11 Dear Sir/Madam:
12 Enclosed please find a deposition transcript. Please have the witness
13 review the transcript and note any changes or corrections on the
14 included errata sheet, indicating the page, line number, change, and
15 the reason for the change. Have the witness' signature notarized and
16 forward the completed page(s) back to us at the Production address
17 shown
18 above, or email to production-midwest@veritext.com.
19 If the errata is not returned within thirty days of your receipt of
20 this letter, the reading and signing will be deemed waived.
21 Sincerely,
22 Production Department
23
24
25 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
2 CERTIFICATION OF WITNESS
3 ASSIGNMENT REFERENCE NO: 3153090
4 CASE NAME: In Re: National Prescription Opiate Litigation
5 DATE OF DEPOSITION: 12/12/2018
6 WITNESS' NAME: Margaret Keenan
7 In accordance with the Rules of Civil
8 Procedure, I have read the entire transcript of
9 my testimony or it has been read to me.
10 I have made no changes to the testimony
11 as transcribed by the court reporter.
12
13 Date Margaret Keenan
14 Sworn to and subscribed before me, a
15 Notary Public in and for the State and County,
16 the referenced witness did personally appear
17 and acknowledge that:
18 They have read the transcript;
19 They signed the foregoing Sworn
20 Statement; and
21 Their execution of this Statement is of
22 their free act and deed.
23 I have affixed my name and official seal
24 this _____ day of _____, 20____.
25
26 Notary Public
27
28 Commission Expiration Date

Page 477

1 DEPOSITION REVIEW
2 CERTIFICATION OF WITNESS
3 ASSIGNMENT REFERENCE NO: 3153090
4 CASE NAME: In Re: National Prescription Opiate Litigation
5 DATE OF DEPOSITION: 12/12/2018
6 WITNESS' NAME: Margaret Keenan
7 In accordance with the Rules of Civil
8 Procedure, I have read the entire transcript of
9 my testimony or it has been read to me.
10 I have listed my changes on the attached
11 Errata Sheet, listing page and line numbers as
12 well as the reason(s) for the change(s).
13 I request that these changes be entered
14 as part of the record of my testimony.
15 I have executed the Errata Sheet, as well
16 as this Certificate, and request and authorize
17 that both be appended to the transcript of my
18 testimony and be incorporated therein.
19 Date Margaret Keenan
20 Sworn to and subscribed before me, a
21 Notary Public in and for the State and County,
22 the referenced witness did personally appear
23 and acknowledge that:
24 They have read the transcript;
25 They have listed all of their corrections
26 in the appended Errata Sheet;
27 They signed the foregoing Sworn
28 Statement; and
29 Their execution of this Statement is of
30 their free act and deed.
31 I have affixed my name and official seal
32 this _____ day of _____, 20____.
33
34 Notary Public
35
36 Commission Expiration Date

<p style="text-align: right;">Page 478</p> <p>1 ERRATA SHEET 2 VERITEXT LEGAL SOLUTIONS MIDWEST 3 ASSIGNMENT NO: 12/12/2018 4 PAGE/LINE(S) / CHANGE /REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 Date Margaret Keenan 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20_____. 23 _____ 24 Notary Public 25 _____ Commission Expiration Date</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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